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ABSTRACT

The history of the University of Hawaii Board of Regents (UH BOR) is reviewed and compared to other public university governing boards, and recommendations are offered to increase the board's effectiveness. Based on a review of the literature on public university governing boards, a consensus of opinions is used as a basis to evaluate the UH BOR. The current constitutional and statutory provisions for the BOR are critiqued, and changes in the laws affecting the BOR (number of members, term of office, qualifications, ex officio membership, and specifically delegated powers) are traced historically. In addition, the following demographic information about the 112 Regents are examined: age, ethnicity, gender, education, vocation, place of birth, residence during term of office, political affiliation, and religious preference. These factors are also compared with national data. The views of current and former regents concerning the main roles of the board during their terms of service and their views of the ideal governing board are also considered. Finally, recommendations are discussed, including the following: the 2- and 4-year terms should be replaced by longer terms; and regents should focus on policy-making rather than execution of policy. (SW)

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Monographs in Education

The University of Hawaii Board of Regents, 1907-1982: Its Composition and Roles Compared with Other Boards Governing Public Universities

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HIGHER EDUCATION POLICY STUDY
COLLEGE OF EDUCATION
UNIVERSITY OF HAWAII-MANOA

THE UNIVERSITY OF HAWAII BOARD OF REGENTS, 1907-1982: ITS COMPOSITION AND ROLES COMPARED WITH OTHER BOARDS GOVERNING PUBLIC UNIVERSITIES

BY
ROBERT E. POTTER
PROFESSOR OF EDUCATION

DECEMBER 1982

FOREWORD

This monograph is one of a series sponsored by the College of Education. In carrying out its research and service missions, the College views this as part of an effort to present significant information on issues and problems in education for public discussion. The views expressed are those of the individual faculty member who authored them. They should not necessarily be ascribed to the administration or faculty as a whole of the College. The College of Education does hope that this effort to publish the research endeavors of its faculty will have impact on those in Hawaii who are involved in making decisions on educational policies and programs.

Andrew In
Dean, College of Education

PREFACE AND ACKNOWLEDGEMENTS

This project grew out of my reading and preparation for teaching courses in the administration of higher education. Although governing boards have been studied before (see Chapter I), no study has ever reported on the history of a governing board's composition nor has any study ever been made of the University of Hawaii Board. I undertook the study feeling it might be useful in selecting, confirming and orienting future Regents as well as enlightening the entire University community--faculty, students, administrators, and the concerned public--about the Board's role and the composition. I hope some notice will be taken of the recommendations on the creation of a nominating commission and the lengthening of Regental terms to at least six years. Both actions would extend the effectiveness of the Board as an independent, autonomous body and add substance to the 1978 Constitutional Amendment which, on paper, gave the Board "exclusive jurisdiction over the internal organization and management of the university."

I thank particularly Melva Miyasato and Tatsuki "Pepper" Shiramizu for their assistance in establishing the historical roster of Regents and helping me get in touch with some of them not listed in the telephone directories. Melva and "Pepper" also reviewed Chapter III for obvious errors. Dick Kosaki, Wytze Gorter, Bob Kamins, Kenneth Lau, Dan Tuttle, and Richard Takasaki provided valuable criticism of the questionnaire and cover letter. David Kittelson and Agnes Conrad dug out hard-to-find information on the early Regents. David also reviewed parts of the manuscript for accuracy. Suzanne MacDonald and Pat Fujitani read through reels of newspaper microfilm and other sources in search of fugitive facts. Harold Kent loaned me a copy of the just-off-the-press volume on the Social Science Association and checked my draft on that portion. I owe a special note of thanks to the Regents who took the time to respond to the questionnaire, particularly those who wrote at length on their perception of the role of a governing board. Keith Hirayama, Pauline Aoki, Clarice Lai, and Lynne Maeda typed the many letters and drafts, while Irene Oka supervised their work. As for me, I learned a lot and enjoyed the process. I hope others find our report informative and useful.

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August 1982

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CHAPTER I
INTRODUCTION, ABSTRACT, AND RECOMMENDATIONS

In the 75 years since the founding of the University of Hawaii, there have been 112 Regents. Their role has shifted considerably as has the demographic composition of the Board. In recent years, there has been much, often acrimonious, public debate about the Board, its role, its relationship to the rest of the University, its composition, and the method of its appointment. The present study attempts to examine these issues objectively, with the hope that better community understanding of governing boards in general and of the U. H. Board of Regents (UH BOR) in particular will contribute to a more effective board and consequently to a more effective university.

The findings are presented first in abstract form plus recommendations based upon the findings. A full examination of the data upon which the recommendations are based is presented in the four chapters which follow the abstract and recommendations.

The study first reviews over fifty articles, books, and research monographs concerning boards governing public universities in the United States. A summary of findings and consensus of opinions about governing boards are abstracted as base lines against which to evaluate the UH BOR. More detail on the literature about governing boards is presented as Chapter II.

Next the current constitutional and statutory provisions for the BOR are presented and critiqued. Later Chapter III traces historically the changes in the laws affecting the BOR, including number of members, term of office, qualifications, ex officio membership, and specifically delegated powers.

Demographic information was collected about all 112 Regents, utilizing newspaper reports, biographic accounts, records in both State and University archives, and questionnaires directed to current and living ex-Regents. Chapter IV presents detailed analyses of Regents' age, ethnicity, gender, education, vocation, place of birth, residence during term of office, political affiliation, and religious preference. These factors are abstracted and compared with national data in this introductory chapter.

Current and living ex-Regents were also asked to report what they considered the main roles of the Board to be during their term of service and what they thought a governing board's role should be. These observations and opinions are abstracted in this chapter and are given in the Regents' own words in Chapter V.

This chapter concludes with recommendations derived from the findings and analyses presented in the remaining four chapters of the study. Page references are given for quick access to relevant passages.

The report of the study concludes with references to sources used in each chapter. All of the sources are available in Hamilton Library except the responses of Regents to the questionnaire. There is also an appendix giving the names of all 112 Regents in chronological order.

ABSTRACT OF FINDINGS

MUCH HAS BEEN WRITTEN ABOUT BOARDS GOVERNING PUBLIC UNIVERSITIES

A review of more than fifty books, articles, monographs, and transcripts of speeches about boards governing public universities reveals widely divergent practices and opinions on many points but also substantial agreement on others.

1. Most authorities on university governance defend lay boards for public colleges and universities as useful, and indeed necessary, for protecting both the society and the institution.
2. Board size has ranged from five to over a hundred, but the consensus of recommendations is between seven and fifteen members.
3. Board members' terms range from two years to sixteen, but the most common recommendation is for six-year terms with provision for staggered appointments so that only a few board members are replaced at any one time.
4. Even though some States select board members by popular election and a few by board selection, authorities generally favor appointment by the Governor with confirmation by the State senate. Recent reports have urged establishing non-partisan, impartial commissions to recommend nominations to the Governor, with opportunity for alumni, students, and faculty to make some nominations.
5. Virtually all comments on ex officio members recommend against the practice, especially of elected political officials.
6. Some professors have suggested faculty representation, but generally the recommendation has been that students and faculty members should not serve on the board governing their own institution. Some writers have favored appointing young alumni and educators from other institutions.

7. Governing boards have been dominated by affluent white males in their 50's and 60's from the business and legal professions, a pattern favored by some writers in the early part of the century. Most recommendations since 1920 have been for a broader representation, including women, minority ethnic groups, younger persons, and persons from vocations other than law and business. Most statutory restrictions for membership include provisions to assure that there be no domination by one political party.

8. The general practice, and there are no recommendations otherwise, is for members to be non-compensated except for travel expenses and per diem.

9. All authorities agree that the board has the ultimate legal authority to decide all issues affecting the university, but all also urge strongly that the board delegate academic matters to the faculty and administration with the board reserving the right to question academic policies thoroughly before giving formal approval and remanding to the administration and faculty those academic proposals which need re-consideration.

10. Board responsibilities frequently mentioned include:
    a. Setting institutional goals and purposes and formulating policies;
    b. Selecting and removing the president and other key administrators;
    c. Providing for a system of governance with delegated authority;
    d. Developing campus and buildings;
    e. Conducting long-range planning;

f. Approving budget and allocating funds on a broad scale;

g. Securing funds and approving expenditures;

h. Investing endowments;

i. Setting tuition rates and other fees;

j. Formulating, with advice from faculty and administration, policies on admission;

k. Reviewing and formally approving or denying major academic changes, such as creating or abolishing colleges or degree programs;

l. Establishing procedures for faculty and administration review of, and formally approving, faculty appointments, promotions, tenure, leaves, and terminations;

m. Granting degrees upon faculty recommendation;

n. Serving as a "bridge" and sometimes as a "baffle" between the community and the institution, particularly in protecting academic freedom.

11. There were a number of cautions expressed about abuses of board authority, including:

   a. Too much involvement with administering the institution;

   b. Submission to political and social pressure;

   c. Conflict of interest with outside activities--business, political, social, religious, etc., most especially dictating appointments to the faculty;

   d. Promoting special programs or personnel within the institution because of personal interests;

   e. Failing to attend meetings regularly or to do necessary "homework";

   f. Abdicating responsibility to either internal or external forces;

   g. Interfering with instructional or research programs which treat objectively issues with which board members disagree.

12. Although on many boards the president serves as an ex officio member, generally the recommendation is that the president sit with the board as its executive officer but without vote or formal membership on the board.

13. The staff work for the board should be done by the central administration under the direction of the president. One recommendation is that the secretary of the board be replaced by the secretary of the university.

CONSTITUTIONAL AND STATUTORY PROVISIONS FOR THE UH BOR, EXCEPT FOR THE SHORT TERM OF OFFICE, ARE IN KEEPING WITH CONSENSUS OPINIONS ABOUT GOVERNING BOARDS

The Constitution of Hawaii

The Constitutional provisions for the University and the Board of Regents are appropriately general, so that needed changes can be made through legislative procedures or by changes in the Board's by-laws, both far less complicated and less difficult procedures than amending the Constitution. The selection process, i.e., appointment by the Governor with confirmation by the Senate, concurs not only with the most common practice nationally but also with the consensus of recommendations on selecting governing board members.

The broad statement on residence, requiring "at least part of the membership" to be representative of "geographic subdivisions of the State," obligates the Governor and the Senate to consider members from the State at large without the inflexibility which might result under the older requirement tying representation to senatorial districts or some similar specific constituency. The sentence on the powers of the Board leaves details to be defined elsewhere, e.g., the phrase "the power, as provided by law."

The 1978 amendment giving the Board "exclusive jurisdiction over the internal organization and management of the university" has not been spelled out. It is clear that both the Legislature and the executive branch of government are still very much involved with the "internal organization and management," as is demonstrated by the 1981 Legislative Auditor's report on the administration of the University and the effects of several executive agencies.

Hawaii Revised Statutes

The number of Regents, eleven, is within the often recommended range of seven to fifteen members. The provision that no more than six "shall be members of the same political party" helps to give some political independence for the Board, as all of the studies urge. However, it is apparent that partisan politics is difficult to eliminate, since some "non-party" members may be sympathetic to one or another party, and there have been examples of Regents nominally members of one party but closer in philosophy and commitment to the other. As in the Constitution, the requirement that the membership shall "represent geographic subdivisions of the State" is a wisely general statement. Also as with the Constitution, there are no requirements for ex officio members, a policy recommended by almost all authorities on governance of higher education. The President serves as the Board's executive officer, not as a voting member. There are no statements about students or faculty members serving as members of the Board, leaving that matter up to the appointing Governor and the confirming Senate.

The term of two or four years is the shortest in the entire nation and is lower than the six-year terms frequently recommended as the minimum to assure the Board's political independence. The limitation of two terms or no more than eight years differs from both law and practice in other States.

Some recent authorities on university governance have recommended that there be a non-partisan "blue-ribbon" commission created to nominate a list of candidates from which the Governor could make appointments. Such a practice could be inaugurated without Constitutional or statutory requirement. The suggestion that alumni, faculty, and students have "opportunity to nominate" candidates could also be implemented in an explicitly defined procedure. Currently only those who take the initiative to write or speak to the Governor have any input. It would not be necessary that the candidates nominated by these three constitutencies be members of those constituencies. For example, a student committee might nominate a recent alumnus or alumna; faculty might nominate an emeritus professor or a faculty member of another institution.

One area of confusion is the use of the undefined term "executive board." Can a board be an executive? Should it be? The same section charges it with the power "to formulate policy, and to exercise control over the university through its executive officer, the president of the university." All of the authorities on governance emphasize the board's policy-making responsibility, and many expressly warn members of the governing board not to get involved with the executing of policy. The one major executive function of a governing board is the appointment and removal of the president, which is clearly spelled out in Section 26-11.

Aside from lengthening the term of office to provide greater political independence, no significant changes in either the Constitutional or the statutory provisions are needed to make Hawaii conform to the consensus recommendations on governing boards.

Other changes which might be made without awaiting Constitutional amendment or Legislative action are granting the right to alumni, students or faculty the opportunity to nominate Regents to the Governor and establishing a non-partisan commission to screen and nominate Regents for the Governor's appointment.

THE COMPOSITION OF THE UH BOARD RESEMBLES THE NATIONAL PATTERN.

Except for age and education, the Board of Regents for the University of Hawaii has not been greatly different from governing boards of other public universities in the United States. Most of the Regents have been men "of substance." Women have been in a decided minority. The business and professional vocations have dominated. In the early years, Caucasians were most prevalent, although there has been a sprinkling of "Orientals" over the past fifty years and a majority of the Board has been "Oriental" in the 1970-1982 period. Except for a few part-Hawaiians, other ethnic groups have been virtually unrepresented. A surprising statistic is the comparative youth of the members of the Board, which appears from available age data to have generally been much younger than governing boards in similar institutions across the nation even before the appointment of students and recent graduates as a result of the period of student activism. The U.H. Board has had a somewhat higher percentage of college degree holders, as well as those with graduate and professional degrees, than the national average. Terms of individual Regents have varied greatly, from three months to thirty years, but over-all the period of service has been quite short, with four years being the median. The turnover of members has been very high since 1961.

THE BOARD MUST BE FREE FROM PARTISAN POLITICS AND VESTED INTERESTS.

It is clear that the Board has not generally been well insulated from political pressure, particularly in recent years. The appointing and confirming process has often been acrimonious, and there have been suggestions that some persons sought by the Governor have not been willing to accept nomination because of the ordeal of confirmation and the public criticism as well as the demands on the Regents' time and energy. It is always a problem to find qualified persons to fill volunteer boards, and that problem becomes greater as partisan and factional politics threaten the reputation of those nominated. Perhaps one method for reducing the difficulty is the nationally proposed system of an impartial selection and screening commission. (See pages 29 to 31.) Another method for insuring the political independence of the Board is substantially longer terms for all members of the Board.

SOME CONSIDERATIONS FOR SELECTING FUTURE REGENTS.

The University needs and deserves the finest Board the State can provide if it is to be effective in serving the needs of the people of Hawaii. A determined effort must be continued to assure that the best qualified persons are named to the Board and confirmed. Care must be taken to search diligently among all ethnic groups, ages, and vocations as well as both sexes to find persons capable of interpreting the needs of Hawaii and the nation into policies which will direct the work of the University in all its components. If a "blue-ribbon" nominating commission is created, it must develop its own affirmative action policy to assure a broad representation of the population of the State without sacrificing the expertise and wisdom needed for an effective board. Most importantly the Board of Regents should never be a stepping stone upon which ambitious office seekers gain public recognition or a prestigious plum rewarding those who have done political favors for the party in power in the Capitol. It may not be possible to make a State university's governing board entirely apolitical, but if the board becomes too responsive to immediate political forces, it loses its effectiveness in protecting the university from the winds of shifting vested interests.

UH REGENTS SEE THE BOARD'S ROLE AS PRIMARILY POLICY MAKING, AND SOME WARN AGAINST BECOMING INVOLVED IN ADMINISTRATION.

In responding to the questionaire, Regents described the roles of the Board in terms very much like those recommended by the authorities on university governance. The emphasis, several said, should be on making policy, leaving the implementation to the administration and faculty. A few took notice of the fact that at times the UH BOR has become too much involved in administration and thus was unable to give the attention it should have to the longer range issues and policies.

Among the roles of the BOR specifically mentioned were: appointing and removing the president, long range planning, defining the missions of the University, approving the budget, assuring accountability of funds, authorizing the creation of new departments, formally approving personnel actions, and conferring degrees. Some expressed the belief that the Board should be a bridge between the public and the University. Nine referred to that role as being a "buffer." With particular reference to present conditions, three urged that the Board should develop good relations with the faculty and "lessen the adversary climate."

One former Board chairman stated that a "major" Board task is to "Form a concept of the role of the Regents." Perhaps this study can help to that end.

RECOMMENDATIONS

The national studies and opinion of authorities on university governance reviewed in Chapter II, comments and suggestions of the U.H. Regents who responded to the questionnaire, and the analysis of the Legislative Auditor's 1981 MANAGEMENT AUDIT OF THE UNIVERSITY OF HAWAII give rise to eight major recommendations. These recommendations, it must be made clear, have not been discussed with any Regents or University administrators. They are judgments of the researcher alone and do not necessarily represent the opinions of any Regents or UH administrators. They should in no way be construed as constituting an official University position.

1. THE BOARD OF REGENTS SHOULD BE CONTINUED AS THE GOVERNING BODY FOR THE UNIVERSITY.

Although Regent Stuart Ho recommended the abolition of the Board of Regents, the general advice of those who have made a long study of governing boards is that those boards do serve a valuable function that no other public agency can do as effectively. (See pages 20 to 22.)

2. THE CONSTITUTIONAL MANDATE THAT THE BOARD HAVE EXCLUSIVE JURISDICTION OVER THE MANAGEMENT OF THE UNIVERSITY SHOULD BE CLARIFIED AND IMPLEMENTED.

A 1978 Constitutional amendment, enacted into law (State Constitution, Article X, Section 6: Hawaii Revised Statutes, 1980 Supplement, Section 26-11.), gives the Board of Regents the "exclusive jurisdiction over the internal organization and management of the university." (See Chapter III.) As the 1981 Management Audit points out, this provision "distinguishes the university from most other agencies of the state government and requires the university to be treated differently from those other agencies." That, however, has not been the case (see pages 6 and 96.) Indeed, the amendment "creates an area of ambiguity concerning the extent of the university's role within the total state governmental structure." (Legislative Auditor, p. 12.) One Regent, Herbert M. Richards, noted that problem in his response to the questionnaire.

> If I understand correctly the mandate of the last Constitutional Convention regarding the University of Hawaii, there are several far-reaching policy questions to be addressed.

The Legislative Auditor recommended that "both the university and the other organs of the state government must devote time and attention to removing areas of ambiguity." (Legislative Auditor, p. 12.)

On September 25, 1982, the University held an Executive Workshop on University-wide Priorities. Co-chaired by Board Chairman Robert Fujimoto and President Fujio Matsuda, the 59 Regents and E-category (executive and management level) personnel were divided into seven discussion groups. All seven groups proposed "implement the constitutional amendment" as one of the priorities for action in 1982-83. The workshop in its afternoon general session discussed the matter in considerable detail and listed it one of the top three priorities, although Regents Bess and Mukai and Law School Dean Richard Miller commented that it might be necessary to "pursue this matter through the courts."

The other two top priority issues were closely related to the subject of this research, namely, "Clarify role/responsibility of BOR/UH Administration," and "Improve delegation/accountability of management decisions." (Taken from an October 8, 1982 mimeographed "Summary of University of Hawaii Executive Workshop on University-wide Priorities, September 25, 1982".)

If the University is to have the degree of autonomy necessary for it to be independent of partisan political pressure and vested interests and for it to be flexible enough to meet changing social needs, the Constitutional and statutory provision giving the Board "exclusive jurisdiction" over the University must be clarified, defined, and implemented. Ironically, activities by the Legislature and the executive departments of the State government which interfere with the Constitutionally-defined responsibilities of the Board actually erode the authority of the highest level of State law, its

Constitution. The government cannot violate the Constitution and expect its citizens to be law-abiding. It is unrealistic, however, to expect that other governmental agencies will voluntarily surrender their authority over University personnel, budget and finances, capital development, etc. Bureaucracies do not willingly relinquish power. The Board and the University administration must take the initiative in securing in fact the autonomy granted it by law.

Of very special importance is the direct control of the budget and the allocation of funds from the Legislature, a point made by John Hoag. Until the Board can exert direct control over the budget and allocation of funds, it cannot exert full authority and responsibility for such matters as the academic programs of the University and its component campuses.

An additional difficulty with the present ambiguity of authority and responsibility is the impossibility of pin-pointing accountability. With many agencies involved in the determination of policy, it is too easy to shift blame and to avoid making the difficult decision. This creates a situation where inefficiency is almost unavoidable and delays in implementing decisions inevitable. Under present procedures it takes months for such simple matters as hiring a departmental clerk-typist or locating a new building on an existing campus. If the Board is to have the responsibility for governing the University, then generally accepted principles of management support the granting of the authority essential for carrying out those responsibilities and accepting the accountability for decisions, particularly when they do not conflict with other public interests.

3. THE FUNCTIONS OF THE BOARD SHOULD BE MADE EXPLICIT AND COMMUNICATED TO ALL IN-COMING REGENTS.

The Legislative Auditor summarized the function commonly undertaken by governing boards. That list, which approximates the responsibilities proposed by the various authorities reviewed in Chapter II as well as the reports of U.H. Regents (Chapter V), should be presented to new Regents as part of an orientation to their role on the Board.

> In more specific terms, the task of the board may be said to include the following functions: (1) appointing the president, (2) demonstrating board support of the president, (3) monitoring the president's performance, (4) clarifying the institution's mission, (5) approving long-range plans, (6) overseeing the educational program, (7) ensuring the financial solvency and fiscal integrity of the institution, (8) preserving institutional independence, (9) enhancing the public image of the institution, (10) interpreting the community to the campus, (11) serving as a court of appeal within the institution, and (12) assessing its own performance as a board. (Legislative Auditor, p. 57.)

4. REGENTS SHOULD CONCENTRATE ON THEIR ROLE OF POLICY MAKERS AND LEAVE EXECUTION OF POLICY TO THE ADMINISTRATION AND FACULTY.

Here again the Regents, the authorities on governance, and the Legislative Auditor agree. As the Management Audit puts it, the Board "should avoid becoming bogged down in administrative details which it is neither qualified nor equipped to handle and which only serve to divert its attention away from important basic policy issues." (Legislative Auditor, p. 56.)

5. THE TWO AND FOUR-YEAR TERMS MUST BE REPLACED BY LONGER TERMS.

As pointed out both by Wallace Fujiyama and all the studies on governing boards, the length of term for U.H. Regents is entirely too short for the effective independence and stability of the Board. (See pages 39 to 42 and 114.) The statutory length of term should be extended to at least six years and the limitation of two four-year terms or eight years should be abolished. In establishing policies, the Board serves a "legislative" function. There are no limitations on the number of terms to which

Legislators can be elected. Similarly the Board could well utilize the knowledge and understanding gained by experienced Regents as policy makers.

6. THERE SHOULD BE GREATER CONTINUITY OF BOARD MEMBERSHIP.

Although the concept of over-lapping membership is clearly intended by the statute defining terms of members of State Boards and commissions, there have been times when that continuity did not, in fact, exist for the Board of Regents. Indeed, some Governors have asked Regents for courtesy resignations so that a new Board could be appointed. That should never be permitted if the University is to be insulated from partisan political pressure. As Fujiyama suggests--and as the law intended--only a third of the Board should be new in any one year. That may involve extending the terms of some Regents when deaths and resignations create places for too many new Regents to assure continuity and stability. Such extensions may be possible only if the present law limiting terms is changed.

7. A NON-PARTISAN COMMISSION SHOULD BE CREATED TO PROPOSE NOMINEES.

The National Commission on College and University Trustee Selection, appointed by the Association of Governing Boards in 1979, recommended the creation of non-partisan procedures for recruiting and screening nominees for governing boards. (See pages 29 to 33.) Such a procedure would give opportunity for developing an "affirmative action" approach to the selection of Regents, recognizing such factors as ethnicity, sex, age, vocation, education, and place of residence, while still placing primary emphasis on those personal qualities and experiences essential for effective performance as a Regent. (See pages 61 to 62.)

The Legislative Auditor summarized the social and personal characteristics needed in a governing board.

> To fulfill the large role thus thrust upon it, the Board of Regents not only should be broadly representative of the community, but also should consist of persons who are capable, dedicated, open-minded, and able to appreciate the complexity and challenge of being a regent. (Legislative Auditor, p. 57.)

A nominating commission could help the Governor achieve such a balance of community representation and personal qualities.

A careful review of possible candidates by a nominating commission would also reduce the probability of confrontation with a hostile Senate committee during the confirmation process. Many qualified persons refuse to be nominated under present procedures rather than face the grilling of Senators who feel they must use the confirmation hearings to screen out nominees whose qualifications should have been scrutinized more objectively before their names were submitted to the Senate. If such matters as conflict of interest and lack of relevant experience are resolved beforehand by a nominating commission, the hearings need not be personally embarrassing to nominee, Senator, or Governor.

The creation of such a nominating body does not require legislative action, although such a legal mandate is desirable. The Governor could easily secure the same end informally by announcing the membership of a group which will do officially what is essentially done by the Governor's political advisors at present. It is clear that someone must prepare the list of nominees for the Governor to submit to the Senate. What remains is to make the body representative of the public at large and to make known their membership and charge so that citizens might suggest names for their consideration.

The commission could include alumni, faculty and students, thus involving them in the governance process without the necessity of having students or faculty actually on the Board, a practice generally considered unwise. (See pages 33 to 37.) Participating in the nominating process would avoid the direct conflict of interest possible if students and faculty served as Regents while providing an avenue for representing their concerns to the Board. (See pages 28-29, 31, and 35 to 36.)

Such a commission must, of course, conduct most of its work in confidence to protect the privacy of those under consideration and avoid embarrassing those not recommended to the Governor. The commission's report to the Governor could be made public at the time the names are submitted to the Senate. The basis for the selection would do much to alleviate suspicions of faculty, students, and the public that Regents are nominated for personal or political advantage, an important step in re-establishing better understanding and relations between the Board and its constituencies, both within the University and within the State.

8. A CLIMATE OF CONFIDENCE AND TRUST BETWEEN THE REGENTS AND THE FACULTY MUST BE RE-ESTABLISHED.

A recommendation dealing with the intangible but crucial aspect of relationships was stated almost poetically by Rev. Abraham Akaka (1961-1963).

> Whether or not we may have hope for our University's future depends much on whether Regents and Administration and Faculty and Legislature and Community have TRUST in each other. It is not enough to define precisely and delegate authority and power to individuals and departments. As the Scriptures put it; "THE LETTER KILLETH, BUT THE SPIRIT GIVETH LIFE" (II Corinthians 3:6). Hard lines may show measurable benefits in terms of tighter budgets, detailed plans, short-term goals fulfilled. But if higher turnover in faculty and cries of "foul" are heard from various quarters, then it is obvious that a new tone must be set.
>
> We can develop trust and Aloha where we are and with what we have. Trust and teamwork, as well as mistrust, are created. Aloha is creative communication. Personal contact and reciprocity that go beyond "either/or" to "both/and" can redeem us from patterns and structures of thought that strait-jacket our progress by their rigidity. . . .
>
> A vital and constructive exercise at this point would be that of considering how trust and teamwork are created, how what seems logical creates mistrust.

It is clear that such a climate of confidence and trust does not now exist. But it once did. As Herbert Cornuelle commented in an aside on a note attached to his questionnaire, "I'm glad I was a Regent then." The author's hope is that this report may help restore that aura of confidence and trust necessary for the effective governance of the University and the maintenance of its missions of service to the State, the nation, and the world. Perhaps once again our present and future Regents can look back at their time on the Board and, like Herb Cornuelle, say, "I'm glad I was a Regent then!"

CHAPTER II
ISSUES ABOUT GOVERNING BOARDS OF AMERICAN PUBLIC UNIVERSITIES

Since 1900 many researchers have examined the boards which govern public universities and colleges. Numerous scholars and administrators who have studied university governance have expressed well-founded opinions about how such boards should be composed and function, some even questioning whether external lay boards have an appropriate role in governing a university or college. This chapter will analyze the findings and recommendations in seeking answers to questions which fall into four broad categories. (A) Are governing boards useful? (B) What are the findings and recommendations concerning provisions for establishing governing boards and setting conditions for their operation? (C) What are the findings and recommendations about board members' characteristics and qualities? (D) What are the findings and recommendations about board roles, responsibilities, and operations?

A. THE EXTERNAL GOVERNING BOARD'S USEFULNESS IS GENERALLY AFFIRMED.

In 1918 Thorstein Veblen attacked the governing structure of American colleges and universities, recommending that both governing boards and the president or "academic executive" be abolished.

> The typical modern university is in a position, without loss or detriment, to dispense with the services of any board of trustees, regents, curators, or what not. . . . Indeed. . . the boards are of no material use in any connection; their sole effectual function being to interfere with the academic management in matters that are not of the nature of business, and that lie outside their competence and outside the range of their habitual interest.
>
> The governing boards . . . are an aimless survival from the days of clerical rule, when they were presumably of some effect in enforcing conformity to orthodox opinions and observances among the academic staff. (Veblen, pp. 65-66.)

In a speech printed in the AGB (Association of Governing Boards) REPORT in 1972, University of Rochester law professor Henry G. Manne commented that "trustees have given up authority on admissions, curriculum, and hiring of faculty." He charged that governing boards were well on their "way to impotence."

> Indeed the most significant characteristic of the modern university trustee is his almost total lack of real interest in exercising any authority.
>
> . . . .
>
> All indications are that the sterilization of boards of trustees will continue. (Manne, pp. 7, 8, 10.)

Manne's speech was answered by John J. Corson, himself a trustee of one public and three private institutions of higher education. Agreeing in part with Manne about the loss of board authority, Corson called for boards to become more aggressive in their role as the agency responsible for the direction and quality of the institution they serve. But he disagreed that boards were in danger of extinction.

> The lay board of trustees for the public college or university should not be abandoned. . . . The objective, dispassionate monitoring, surveillance, question-asking function . . . can best be done by lay board members. (Corson, 1973, pp. 10-11.)

The Ford Foundation Fund for the Advancement of Education organized a Committee on Government and Higher Education in 1957. Chaired by Milton S. Eisenhower, President of Johns Hopkins University, the committee surveyed 344 state-supported colleges and universities offering bachelors or advanced degrees. The committee report noted that "occasionally it is asked whether a legislative committee or some other state agency could not take over the task of representing the public interest in the government of state colleges and universities." This has been suggested in Hawaii, where the legislature itself takes a considerable interest in the University and its various component parts. The committee report came out strongly favoring the retention of governing boards as a means to "harmonize the freedom of higher education with the responsiveness to the public interest."

> The distinctive characteristic of the board. . . is that at its best it provides for continuous, experienced, and perceptive scrutiny of higher education by members of the community who are brought within the university family by their role as trustees. Regents are thus in a position to view the operations of institutions of higher education at close range and to pass judgment on educational policy with intimate awareness of the complexity of the issues involved. This is a vantage point no other state agency has, and it is a function no other state agency can perform. (Moos and Rourke, pp. 310-312.)

The Carnegie Commission on Higher Education 1973 report on GOVERNANCE OF HIGHER EDUCATION defended the governing board as "an essential institution in higher education" because "no other mechanism can provide governance so well, not the state, not the faculty, not the students, and not the faculty and the students together." (Carnegie, 1973, p. 32.)

A California State College trustee from 1961 to 1963 and a member of the California Coordinating Commission on Higher Education from 1961 to 1969, Louis Heilbron, after listing a number of trustee abuses of authority (to be quoted later in this chapter) concluded:

> But when the uses and abuses of trustees are weighed, I suspect that the trustee boards' overall record in recent years shows a positive contribution to the cause of higher education, that trustees are not an anachronism. (Heilbron, p. 225.)

Perhaps the strongest evidence that governing boards do have a useful function is the more than fifty books, research monographs, and articles done since 1900 which begin with the tacit acceptance of those boards as a given. Only Veblen demands their abolition.

B. PROVISIONS ESTABLISHING BOARDS VARY WIDELY

1. Boards have many names.

In 1960, Walter Crosby Eells found governing boards operating under 21 different names. Out of 340 boards of public institutions, 95 were boards of trustees, 93 of regents, 9 of directors, and 5 of control. Eleven were governed by a State Board of Higher Education and 78 were under a State Board of Education (Eells, p. 337, Table 1.)

James Perkins, former Cornell University president and Chairman of the Board of the International Council for Educational Development, commented in a 1973 report that the term "trustee" is appropriate for members of boards governing private institutions since they hold property in trust, but for public institutions the term "regent" is more appropriate since they rule or govern in behalf of the State. (Perkins, p. 206.)

2. Board size ranges widely; but the consensus of opinion favors 7 to 15 members.

Charles W. Eliot, nearing the last of his forty years as Harvard's president, wrote the first book on UNIVERSITY ADMINISTRATION in 1908. In it he reported that the number of trustees on boards governing public institutions "varies very much, being sometimes as small as seven or nine, and often as large as twenty to forty, and even larger." (Eliot, p. 1.)

Scott Nearing published in 1917 the results of the first survey of boards governing colleges enrolling five hundred students or more. He wrote to all 189 colleges in this category and received responses from 143. He divided the 68 State colleges into two groups, those with 500 to 1000 students and those with more than 1000.

Number of Board Members	State Colleges With 500-1000 Students	State Colleges With More than 1000 Students
5 or less	9	4
6-10	15	22
11-15	4	3
16-20	2	1
21 or more	4	4
	34	34 (Nearing, p. 298.)

When George Counts studied boards of public education in 1926, he included 54 boards governing State colleges and universities. Although membership ranged from 5 to 100 members, only one was at the top of the range and only nine had 14 or more members. The two most common numbers were 5 and 19, each of which was represented by 19 percent (apparently eight boards in each group). The median number was 9.8. (Counts, p. 12, Table II.)

The U. S. Office of Education surveyed 45 land-grant colleges and universities (including the University of Hawaii) in 1927. The smallest board was that of North Dakota Agricultural College with three members and the largest was that of North Carolina State with sixty. Five had 31 or more members, fourteen 10 to 15, and twenty-one fewer than 10. (Klein, pp. 54-55. Table 8.)

In a 1934-35 study covering the 734 members of boards governing all thirty universities in the United States which were members of the Association of American Universities. Howard Beck reported that the number of board members serving the fourteen State universities ranged from 6 at the University of Nebraska to 102 at the University of North Carolina. Seven others had 7, 8, or 9; two had 11; one 13; one 17; and one 23 members. (Beck, p. 168. Table 1.)

There was not much change between Counts' 1926 study and Eells' in 1960, who reported a range from 4 to 102 on each of the three State institutions in North Carolina. There were nine members on 74 boards, the modal number, and 124 institutions had between 10 and 14 members. Eells reported the median number was 10, virtually the same as Counts reported 34 years earlier. (Eells, p. 339.)

A 1977 study, however, reported that boards responsible for more than three campuses (which would be the category for the University of Hawaii) averaged 9.6 members. (Gomberg and Atelsek, p. 16, Table 2.)

Just as President Eliot was the first to report on the number of trustees, he was also the first to recommend a small board:

> The best number of members for a university's principal governing board is seven; because that number of men can sit round a small table, talk with each other informally without waste of words or any display or pretence, provide an adequate diversity of points of view and modes of dealing with the subject in hand, and yet be prompt and efficient in the dispatch of business. In a board of seven the different professions and callings can be sufficiently represented. (Eliot, p. 3.)

At a joint session of the National Association of State Universities and the Association of Governing Boards of State Universities and Allied Institutions in 1924, Henry Suzzalo, President of the University of Washington, recommended a board of seven members. (Suzzalo, p. 87.) Although Counts did not recommend a specific number of members he referred approvingly to an American Federation of Labor proposal which called for a board of five members. (Counts, p. 96.) The 1927 U.S. Office of Education study criticized large boards as "cumbersome and unwieldy" and recommended that boards of five to ten members are "far more advantageous." (Klein, p. 56.)

The preference of college presidents for smaller boards was one fact reported by a doctoral student at Stanford in 1933, based on responses of 32 presidents of State universities to questionnaires he had sent to 43 institutions. The presidents reported board size ranging from three to sixteen, but sixteen presidents expressed the opinion that the proper number should be between six and nine. "Nine was decidedly the mode." (Hooker, p. 689.)

Raymond Hughes, who experienced governing boards both as a president (Miami University and Iowa State College) and as a trustee himself (Presbyterian Theological Seminary of Chicago), published A MANUAL FOR TRUSTEES OF COLLEGES AND UNIVERSITIES in 1951. He reported:

> It is the general opinion that a board of from seven to fifteen is preferable to one larger or smaller. If the board is too small, it is difficult to maintain on it a sufficiently wide representation of the people, and there is danger of board members becoming too active in the detailed direction. On the other hand, as the board is increased above twelve or fifteen, it is hard to maintain its entire membership with persons of as high a type as is desirable, and with larger numbers the sense of responsibility of individual members decreases. (Hughes, 1951, p. 9.)

University of Washington history professor Max Savelle proposed in a 1957 AAUP BULLETIN that universities be governed by nine member boards. (Savelle, p. 327.) Heilbron recommended boards have no fewer than eleven and no more than twenty-four members "so that representative points of view may be considered and expressed and so that a quorum (majority of members) will not be too small." (Heilbron, pp. 11-12.) A National Commission on College and University Trustee Selection created by the Association of Governing Boards recommended in its July 1980 report that governing boards should have at least nine members. (HIGHER EDUCATION AND NATIONAL AFFAIRS. p. 4.)

In summary, while the actual number of board members has varied widely, a consensus of opinion suggests a board of seven to fifteen members.

3. Most boards are appointed, although a few are elected.

Counts' 1926 study found thirteen different methods or combinations of methods for selecting board members at forty-three State colleges and universities. In eighteen, the governor appointed the members; in nine, it was appointment by the governor plus ex officio members; in five, the governor shared his appointment power with others, such as alumni, State board of agriculture, and State superintendent of education. (Counts, pp. 18-19, Table VI.)

The 1927 U.S. Office of Education survey found that in nineteen States the governor appointed the entire board and in five more he appointed a part of the membership. In twelve other States, the governor's appointments were confirmed by the State senate. In two States the entire board was chosen by the legislature, and in two others some of the board members were chosen by the legislature. The Massachusetts Institute of Technology, a semi-private institution, had a self-perpetuating board, that is, board members elected those who were to fill vacancies. Rutgers and Cornell, also both semi-private, had thirty-one out of forty-three and fifteen out of forty, respectively, chosen by their respective boards. Alumni elected some of the members for five colleges, and agricultural associations chose some members in two cases. (Klein, pp. 57, 54-55, Table 8.)

Eells' 1960 study reported on the methods of selecting board members at 327 public institutions. Five boards were self-perpetuating. The governor had full authority for appointment in 108 and had his appointments confirmed by the State senate in 168 and by the full legislature in eight additional cases. Voters elected board members at 21 institutions and legislators elected them in eight more. Mayors appointed board members at nine municipal institutions. (Eells, p. 338.)

In the spring of 1968, Rodney T. Hartnett of Educational Testing Service and Morton Rauh, Vice President for Finance at Antioch College, conducted a survey covering the boards governing more than five hundred colleges and universities. Included among the public institutions were 67 junior (community) colleges from which 261 board members returned questionnaires, 50 four-year colleges from which 184 members returned questionnaires, and 79 Ph.D.-granting universities from which 475 members returned questionnaires. Overall, this represented slightly under half of the board members of the public institutions sampled, but it is the most complete recent national survey. In the method of selection, the predominant practices were appointment by the governor for four-year institutions and election for the community colleges. In the latter institutions, 42% were elected by the public, 35% appointed by the governor, 9% selected by the board itself, 5% were ex officio, and 8% were selected by other means. For the universities, 59% were appointed by the governor, 8% elected by the public and 5% by alumni, 8% selected by the board, 3% ex officio, and 12% by other methods. (Hartnett, 1969, p. 68; Rauh, p. 186. Figures differ slightly according to categorization in the two sources and those for the universities do not total 100.)

Many of those writing on university governance have made recommendations about the selection process. In his 1924 speech before the Association of Governing Boards, Suzzalo recommended a seven member board appointed by the governor and confirmed by the upper house of the legislature for overlapping terms of seven years, so that one would be replaced each year. (Suzzalo, p. 87) The 1926 U.S. Office of Education study recommended "appointment by the governor with the approval of the State senate." (Klein, p. 56.) Beck suggested appointment by the governor, with legislative confirmation, after requesting various constituencies, such as the faculty, alumni, students, labor unions, agricultural associations, etc., to nominate potential candidates. (Beck, p. 153) Purdue University President Edward Elliott, however, suggested that appointment by the governor without legislative confirmation would produce "the highest possible concentration of responsibility, since the executive must bear the full responsibility for his choices." (Elliott, pp. 49-50.)

Savelle recommended five faculty members elected by the faculty, two persons elected by the public, and one legislator designated by the governor, with the president of the institution chairing the board. (Savelle, p. 327.)

When Hooker asked college presidents about the best method for selecting board members, fifteen favored appointment by the governor with confirmation by the senate, three appointment by the governor with confirmation by the full legislature, one appointment by the governor, three by popular vote, one appointment by the judges of the State supreme court, and one preferred a self-perpetuating board. (Hooker, pp. 689-690.)

The 1957 Ford Foundation Fund for the Advancement of Education questionnaire to board members revealed "little unanimity as to the appropriate method of selecting trustees" but "an overwhelming majority of regents" favored the "method by which their own boards were selected." Admitting there had been some speculation about the appointed board members bringing political interference into higher education, the report found that appointed boards "have been remarkably successful in protecting higher education from political interference." (Moos and Rourke, pp. 301, 304.)

Several authorities in the last decade have followed Heilbron's lead in proposing a nominating panel from which the governor would make his appointments and seek confirmation by the senate. Heilbron suggested that "a blue-ribbon panel, chaired by the chief justice of the state supreme court, nominate three or more candidates for each vacancy." (Heilbron, p. 9.) The 1973 Carnegie Commission report recommended establishing "some impartial screening device for nomination of public boards" and that there be "opportunity for faculty members, students, and alumni to assist in the nomination of at least some of the members." (Carnegie, 1973, p. 35.) Corson also mentioned that governors "may wish" to set up "blue ribbon nominating commissions" to establish criteria for membership and "nominate individuals meeting such criteria." (Corson, 1973, pp. 10-11.)

A 1973 survey of higher education governing board chairmen conducted by the Association of Governing boards revealed that trustees were often appointed for reasons other than their leadership skills.

> More than two-thirds of the respondents believe that appointive authorities do not tend to place the ablest persons on boards of public institutions. Finally, respondents indicated that "there is an urgent need for a set of guidelines to assist authorities in identifying and placing the most able people on boards." (Scott and Kohn, p. 18.)

As a result of this survey, the AGB created the National Commission on College and University Trustee Selection in 1979. Acknowledging the appropriate role of politics in selecting governing board members for public institutions, the Commission gave several reasons for favoring appointment over election.

> The appointment process provides an opportunity for more careful search for and screening of candidates than is possible under most electoral systems.
>
> Appointment allows the public to hold the appointing authority accountable for the quality of trustees and boards.
>
> Appointment, as opposed to election, reduces certain barriers to becoming a trustee such as the need to raise funds to conduct a political campaign . . . . Removal of these barriers, it is hoped, would increase the number highly qualified people who could be persuaded to accept a trusteeship. (Scott and Kohn, p. 19.)

Admitting that "the new trustee too often is chosen because he or she had been a major contributor to the governor's campaign," the Commission described a non-partisan nominating procedure to help assure the high degree of political independence which all authorities urge.

> A thorough search and screening process should be conducted prior to the selection of a new trustees. In the public sector, the appointing authority, generally the governor, would select a committee of at least five people, . . . taking into account the diversity (age, race, geographic

> location and so forth) of the region served by the institution. . . . It would be responsible for assessing board needs, locating potential trustees, reviewing candidates' qualifications by checking references and holding interviews, and making recommendations. . . . In the public sector, a list of three nominees for each vacancy would be presented to the appointing authority who would make the appointment within 30 days. (Scott and Kohn, pp. 18, 19.)

In summary, appointment by the governor with confirmation by the senate is the prevailing practice for selecting board members and is the clear consensus of recommendations, with the recent added suggestions of a non-partisan nominating committee and participation by faculty, students, and alumni in the nominating process.

4. Although some boards have ex officio members, the practice is generally opposed.

The practice of having ex officio members on governing boards has been, and apparently still is, wide spread, but the consensus of opinion is critical of the policy. Eliot reported that some State institutions had on their boards as ex officio members such officers as the governor, chief justice, or secretary of the State board of agriculture, but he judged them to be "ordinarily undesirable," because they were selected for skills other than "their fitness to govern a university." (Eliot, p.4.) Suzzalo used the same word, saying "ex officio members are particularly undesirable." Himself a president of the University of Washington, Suzzalo said that the president "should be the equivalent of a regent with a seat and a voice, but without a vote." (Suzzalo, p. 89.)

In actual practice, the U. S. Office of Education found in 1927 that 14% of the trustees (91 out of 644) of boards governing land-grant colleges and universities were ex officio. The largest number was at the semi-private Cornell--nine. The University of California had eight. No other truly State institution had more than four. (Klein, pp. 54-55, 57, Table 8.) Eells found in 1960 that the State superintendent of public instruction was ex officio member on boards governing 120 public institutions; the governor of the State on 31; the president of the institution on 12; the president of the alumni association on 4. On 28 other boards there was an assortment of ex officio members (Eells, p. 338, Table 2.) A report released by the California legislature in 1974 disclosed that 43 of the 75 boards governing large public research universities had at least one ex officio member. (California, p. 22.)

Seventeen of the college presidents responding to Hooker's questionnaire opposed ex officio members, but five said the governor should be on the board and five said the State superintendent of public instruction should be. (Hooker, p. 689.)

A study done in the early 1930's for the North Central Association of Colleges and Secondary schools found that 16 of the 27 institutions in the area had the president serving on the board and that those institutions were generally given higher ratings of excellence than those institutions where the president was not a member of the board. The report noted, however,that giving the president opportunity to attend board meetings and speak "would be sufficient without including membership on the board." (Russell and Reeves, p. 23.)

Specifically referring to elected public officials, Heilbron said, "On balance it seems preferable to exclude" them. (Heilbron, p. 22.) The 1973 Carnegie Commission report also opposed "politically elected officials serving ex officio on boards of public institutions." (Carnegie, 1973, p. 33.) The National Commission on College and University Trustee Selection admitted that elected public officials have "potential usefulness" in presenting their views during board deliberations, but they should be without vote. "No board should have more than two such officials." (HIGHER EDUCATION AND NATIONAL AFFAIRS, p.4.)

Clearly the consensus of opinion is opposed to the policy of ex officio membership, although the practice is not uncommon.

5. Most authorities oppose faculty and students as board members.

The first charter of Harvard provided for faculty participation in governance of the college through membership on the Corporation, but that was gradually diminished until 1806, after which no more faculty members were appointed to the Corporation. Not until Cornell's President Jacob Gould Schurman recommended in his 1912 report that the faculty should have "a larger measure of participation in its government" did the issue again arise in a significant fashion. The Cornell faculty voted 76 to 5 in favor of representation on the board and 74 to 2 for their representative to have voting rights. In 1916, Cornell's board adopted a resolution permitting the faculty to elect three non-voting representatives to the board. (Duggan, p. 231.)

A report by a committee of the young American Association of University Professors in 1920 complained that while the president might be a member of the board, "No other member of the faculty may have access to the board's deliberations." Although a majority of the members of the committee disagreed, some favored "faculty representative elected to membership on boards of trustees." (Leighton, pp. 21, 26.)

In 1922 Upton Sinclair reported a survey done by Evans Clark, "a preceptor in Princeton University-until he made this survey," which claimed that "no professor is a trustee of the college in which he serves." (Sinclair, p. 28.) Hartnett reported in 1970 that two universities and one four-year college had added students with voting privileges to their board but only one four-year college had added a faculty member with voting privileges. (Hartnett, 1970, p. 71.) The 1974 California legislature reported that at least twenty States had students as board members and concluded, "Student participation has been beneficial and worthwhile." At least nine States had faculty members serving on their board, but only two institutions granted "full voting membership" to the faculty representatives. (California, p. 26.) A 1977 up-dating of the Hartnett study found that of 632 boards, none had provisions requiring faculty member representation while 3.5% were required to have student representation. (Gomberg and Atelsek, p. 16, Table 2.)

When Russell and Reeves did the study for the North Central Association as a step in developing criteria for accreditation, they state unequivocally that "Sound principles of administration indicate that no member on the board of control should be on the salaried staff of the institution." But then they weasled a bit on the matter of faculty electing representatives to the board, noting that there were not enough cases to "state categorically that this suggested plan is a violation of sound principles of administration." (Russell and Reeves, pp. 22-23.)

Arguing that "democratic principles and sound logic . . . require the representation of those most intimately concerned with higher education and most familiar with its processes, namely, faculty, students, and alumni," Beck recommended that a thirteen member board include two faculty representatives and one student.

> Perhaps a proportion of faculty representatives greater than 2 out of 13 would be desirable. All groups concerned might well benefit if as many as one-third of the trustees were professors. Yet the proportion, including any outside educational expert, should remain a minority in order to guard against the inevitable tendency of any group to promote its own interest at the expense of the general interest. (Beck, pp. 150-152.)

Savelle proposed a majority of faculty members, five as against two elected by the public plus a legislator. (Savelle, p. 327.)

More recent opinions, however, have generally been against student and faculty membership on the board. The 1966 Statement on Government of Colleges and Universities issued jointly by the AAUP, the American Council on Education, and the Association of Governing Boards lists, but does not advocate, membership of faculty members on governing boards as an avenue for facilitating communication among faculty, administrators and board members. (Statement on Government, p. 379.) Orley R. Herron, while assistant to the president of Indiana State University, proposed a compromise, having on the board "members of the professional educational community" from " other campuses." (Herron, 1969, p. 69.) Rauh, while advocating the right of faculty and, "with somewhat less certainty," students to elect trustees, reminded that this right "does not necessarily mean that faculty or students should be permitted to sit on the board." (Rauh, p. 149-150.) A 1970 AAUP statement on Student Participation in College and University Governance called for provisions for transmitting student views to the board, but nowhere in the report is there any suggestion that students should or should not be members. (Committee T, pp. 33-35.)

Heilbron, referring in a footnote to an AGB poll of eight hundred board chairmen in which 69% were opposed to faculty membership and 68% to student membership, suggested some compromise positions:

> Faculty may have greater effect on policy by having their representatives attend board meetings as advocates of faculty positions rather than through board membership. If faculty member trustees are preferred, they may be selected from recently retired professors or professors from other institutions. If they are campus faculty, they should be determined by faculty choice.

Similarly for students, Heilbron advocated they attend but not as members. "If student board members are preferred, they should be students selected from student government or other responsible student organizations." (Heilbron, pp. 18, 20.)

The 1973 Carnegie Commission report opposed "faculty members and students of an institution serving on the board of the same institution because of potential conflicts of interest." On the other hand the report did "specifically favor the consideration of faculty members from other institutions and of young alumni." (Carnegie, 1978, pp. 33, 34. Italics in source.) While recommending more heterogeneous boards, Corson declared, "Note that I am not recommending that boards include faculty members and students." (Corson, 1973, p. 10.) The 1980 report of the National Commission on College and University Trustee Selection recommended that "students and faculty not be permitted to be voting members of the governing boards of institutions in which they are enrolled or employed." The Commission reasoned their presence on the board might result in conflict of interest in matters such as tuition and salaries. (HIGHER EDUCATION AND NATIONAL AFFAIRS, p. 4.)

Bradley Mossman, a student Regent at the University of Hawaii, on the basis of his experiences on the Board from 1977 to 1979, concluded:

> I oppose the concept of "student trusteeship." On the other hand, . . . I strongly support the idea of having qualified young people as full, voting members of university governing boards. (Mossman, p. 35.)

It was his opinion that Regents should be selected on the basis of their personal qualifications, not as representatives of particular constituencies.

> Young people should not be given greater or less access to membership on governing boards than other qualified members of their community.
>
> But "student trusteeship" . . . is a trusteeship with a certain qualification that sets it apart from the rest of the trustees on the board.
>
> Such a situation may create an atmosphere of competing interests--those of the students and those of the general public . . . . Student governments are the natural instruments for student advocacy. Governing boards should listen to the voices of students and weigh them along with other factors in making policy decisions. (Mossman, pp. 35, 36.)

Thus, in spite of the efforts of the students and faculty during the years of campus activism, there are few of them serving on governing boards and the consensus of opinion is opposed to the practice.

6. Alumni often serve as board members.

The U.S. Office of Education survey reported that in 1927 there were 238 former students of the land-grant institutions they were serving as trustees, ranging up to 38 at M.I.T. Alumni were serving 31 of the institutions. In ten States, the law specifically required a certain number of the governing board be former students. (Klein, pp. 54-55, 57, Table 8.) Eells found the number of alumni representatives on boards of public institutions ranged from one to ten. (Eells, p. 339.) Gomberg and Atelsek found in 1977 that 6.9% of 632 boards had provisions requiring alumni representation. (Gomberg and Atelsek, p. 16, Table 2.)

The Hartnett/Rauh questionnaire did not ask if the trustees had ever attended the institution being served, only what degrees had been received from the institution. For the community colleges, 94% said they had not earned a degree from their institution. For the four-year colleges, 74% had received no degree from the institution they served, 21% a baccalaureate, 1% an advanced degree, and 1% an honorary degree. For the universities, 44% had received no degree from the institution being served, but 34% had received baccalaureates, 9% advanced degrees, and 2% honorary degrees. (Hartnett, p. 59.)

Reversing the attitude toward students and faculty members serving as board members, most opinions about alumni were in favor of them serving on the board. The AAUP in 1920 recommended that "alumni or alumnae should have representation on the board." (Leighton, p. 28.) In summing up the U.S. Office of Education survey, Klein reasoned that because alumni and former students "have a keen interest in the progress and development of the institutions," their presence on the boards is "undoubtedly advantageous." (Klein, p. 58.)

Hughes recommended that the board "should certainly include some alumni of the institution," as did Heilbron. (Hughes, 1951, p. 7., Heilbron, p. 15.) Instead of student members, the Carnegie Commission suggested "young alumni as board members." (Carnegie, 1973, p. 33.)

It appears that, even though there may not be many statutory requirements for alumni/alumnae membership, there is general sentiment favoring their inclusion on the boards.

7. Some States have other legal stipulations for board membership.

The U.S. Office of Education 1927 survey found that 27 States had statutory requirements for membership on boards governing land-grant colleges and universities. In thirteen States, representation was tied in some manner to Congressional districts; in five others, to counties. Six States had restrictions on political party membership, assuring representation from both major parties. Four had laws specifying that farmers must be included on the board of the land-grant institution. One State prohibited a majority of board members belonging to the same religious sect. (Klein, pp. 57-58.)

S. V. Martorana and Ernest V. Hollis studied 519 boards governing public institutions in 1958-59. Of the total, 209 were State boards and 310 were local, almost all representing public two-year community colleges. Among the legally prescribed qualifications, they found that 111 of the State boards had some residence requirements, often a minimum period of citizenship in the State. Bi-partisan composition was required of 44 boards. (Martorana, p. 37.)

Among the responses Hooker received from presidents of State universities, eleven preferred at-large members and only three advocated membership by district. (Hooker, p. 689.)

The 1957 Fund for the Advancement of Education study summarized the reasons for the various stipulations, pointing out that the purpose was "to provide a governing board with representation drawn from major interest groups within the community."

> The attempt to make the governing board a mirror of the constituency has been criticized on the grounds that it robs the board of the disinterest that should be its primary qualification. But by and large, boards do not regard these provisions as incompatible with effective operation. (Moos and Rourke, pp. 305-306.)

8. Terms of office vary from two to sixteen years, generally overlapping so there is continuity. Longer terms are recommended to promote board independence.

Since Eliot's brief statement that trustees of public institutions "ordinarily serve for a limited term of years, being reeligible term after term" (Eliot, p. 1.), a number of more detailed studies have been made and recommendations have stressed the importance of the board being free from political pressure. Counts found that terms ranged from two to twelve years, but three public institutions granted board members life terms. (Counts, p. 20, Table VII.) He also found the actual tenure of 312 trustees, one exceeding thirty years, twenty more than twenty years. The median number of years served was 4.7. (Counts, p. 23, Table VIII.) The U.S. Office of Education survey of land-grant institutions supported Counts' findings. At the University of California, which had the longest terms of definite length, trustees were appointed for sixteen years. Two institutions had terms of twelve years; two of nine; two of eight; three of seven; fifteen of six; six of five; seven of four; three of three ; and one of two years. The remaining three had life terms for some or all of the members. (Klein, pp. 58-59.) Eells' study in 1960 found the same range still held, although he located fifty-one public institutions with indefinite terms. For those with definite periods, the most frequently found were four years (46 institutions) and six years (117 institutions). Six years was also the median for those boards with definite terms. (Eells, p. 341.) According to the 1974 report of the California

Legislature, the length of terms ranged from a high of sixteen years at the University of California to a low of two to four years at the University of Hawaii. At a third of the institutions, members served six or seven years; at 21% they served five years or less. (California, pp. 15-19, Table II.)

Hughes reported that "In public institutions an effort is usually made to frame the laws so that no one governor in two terms can appoint a board majority and so gain control." (Hughes, 1951, p. 6.)

A different approach to the question of length of terms was the study done for the North Central Association, which reported that those institutions whose members served terms of six years or longer had much higher ratings of excellence (65.2) than those institutions whose members served three to five years (a rating of 48.) or those whose members served less than three years (a very low rating of 9.9). Forty-six out of the fifty-seven institutions made provisions "whereby at least two-thirds of the members of their boards always have at least one year of experience in office." and those institutions had a much higher rating of excellence than those which did not have such a provision for overlapping membership. (Russell and Reeves, pp. 19-21, Table 1.)

In its 1920 examination of university governance, the AAUP recommended that board members "should be appointed for definite and relatively long terms which should overlap so that only a small fraction of these terms of service should expire annually." (Leighton, p. 28.) Suzzalo recommended overlapping terms of seven years, with one member to be replaced each year. The long term was necessary to assure political independence.

> State universities, like state supreme courts, should be independent of the mercurial changes of general partisan politics. Both . . . are concerned mainly with facts and principles and not with the interpretations of the current mind of the people. Their fundamental function requires this independence and stability. (Suzzalo, pp. 87-90.)

Klein made the same point, advising that appointments should be overlapping and "of sufficient length to insure that a single State administration shall not change the entire complexion of the board." Noting that most governors served for four years, he advised that "the term of the trustee exceed four years." (Klein, pp. 58-59.) Hooker's respondents proposed terms ranging from one to fifteen years, but fourteen preferred six to nine year terms. Only one favored a limit to the number of terms a member could serve, and all favored overlapping so that no more than a third of the members would be replaced each year. (Hooker, pp. 689-690.) Elliott said terms of seven to ten years with provision for overlap were "thought to be most desirable." (Elliott, pp. 61-63.) Beck proposed a minimum of four-year terms, preferably six or eight year, with overlapping appointments, except that the student representative would serve one year. (Beck, p. 154.) At one point Heilbron recommended staggered "six- to eight-year terms," but he also stated, "a single term of twelve years seems optimum." (Heilbron, p. 9.) The report of the National Commission on College and University Trustee Selection recommended terms of "not more than six years" with trustees limited to "not more than 12 consecutive years." (HIGHER EDUCATION AND NATIONAL AFFAIRS, p. 4.)

The theme of political independence which had been enunciated by Suzzalo and Klein was repeated by a number of other authorities. After expressing concern about the potential of political interference arising from the appointment of trustees, the 1957 Ford Foundation-sponsored Committee on Government and Higher Education reported:

> One rather common technique . . . to minimize political interference . . . is the use of staggered and relative long terms. . . As a rule, only 10 to 20 percent of the membership of boards turns over annually. The average term of service is over five years. . . . The practice of giving long, staggered terms to board members provides no absolute guarantee against political interference, although it may serve to sustain a spirit of independence by a governing board. (Moos and Rourke, p. 305.)

former Cornell president James Perkins commented in 1973 that the long terms of office for regents of public institutions are "a protective device" to assure their "independence of a particular governor or legislature." (Perkins, pp. 208-209.)

Recognizing the need for the academic institution remaining free from partisan political interference, the consensus of opinion is for relatively long terms with provision for overlapping so that there are always experienced members available to give leadership.

9. Members receive little or no compensation.

Counts' 1926 study of fifty-four State colleges and universities found that members on most boards served without compensation, 59% receiving only travelling expenses and 17% travelling expenses plus a small per diem allowance. Three institutions (7%) paid board members, with the pay ranging from $100 to $3,000. Two more paid board officers only. Two institutions did not even pay travelling expenses. (Counts, pp. 31-32, Table XIV.)

Of the forty-four land-grant colleges and universities surveyed by the U.S. Office of Education in 1927, thirty-five reported that board members received no compensation. For the others, "the amount of pay is so small as to be nominal with one exception." That exception paid its trustees $3,000 a year. Trustees were reimbursed for travel expenses by twenty-nine colleges, but in five, they paid their own expenses. Several institutions paid per diem. (Klein, p. 62.)

10. Provisions for removing board members are similar to those for other public officials.

On the unpleasant subject of removing members from boards, Elliott, Chambers, and Ashbrook reported only that there were three "usual methods: by action of the governor, the legislature, or the board itself." (Elliott,

p. 69.) The Committee on Government and Higher Education included in its report some information on removal of board members, noting that it differed "considerably among the states."

> Some boards retain this power in their own hands (generally used against members who are inactive), but in a large number of cases board members are subject to formal removal by the governor alone. In a majority of cases, removal may take place "without cause," although in some instances a special reason (such as moral turpitude) must be specified.
>
> Other methods of removal include judicial decision, legislative action, and popular recall. A number of public boards (approximately 40 percent) have no formal machinery for removal at all. (Moos and Rourke, p. 305.)

The National Commission on College and University Trustee Selection proposed that the nominating committee which presented a list of candidates to the governor would also be charged with evaluating incumbent trustees, who might be "recommended for an additional term only if their performance so warrants." (Scott and Kohn, p. 30.)

C. CHARACTERISTICS OF BOARD MEMBERS HAVE NOT BEEN REPRESENTATIVE OF THE GENERAL POPULATION.

1. Most board members are and have been male.

In all the studies of the composition of boards governing public colleges and universities, men have predominated far out of proportion to their number in the total population. Nearing found in 1917 that State colleges enrolling 500 to 1,000 students had only eight women trustees out of a total of 423--2%. For State colleges enrolling over 1,000 students 23 of 353, or 6.5%, were women. (Nearing, p. 298.) In Counts' 1926 study, he was able to identify 380 by sex, of which only 29 or 7.6%, were women. (Counts, p. 41, Table XVII.) Of the 644 trustees at land-grant institutions in 1927, Klein found only 34, or 5%, were women. (Klein, p. 57.) In 1934-35, Beck's study of fourteen State universities listed only 23 women among a total of 241 trustees, and eleven of them were on the huge board at the University of North Carolina. None of the other universities had more than two women on the governing board. (Beck, pp. 92-93.) Hartnett and Rauh found that males dominated governing boards for all types of public colleges and universities. For community colleges 85% were male; for four-year colleges, 87%; for universities, 88%. (Hartnett, 1969, p. 57, Rauh, pp. 88, 170.) A year and a half later, Hartnett found that four universities, five four-year colleges, and three community colleges had added at least one woman to their boards. (Hartnett, 1970, p. 71.) The 1974 California legislature's study reported that between 86 and 89% of the board members of large public research universities were male. (California, p. 20-21.) The situation was changing slowly, so that by 1977, Gomberg and Atelsek still found women constituted only 15.9% of the boards governing State institutions with more than three campuses. (Gomberg and Atelsek, p. 17, Table 3.)

A different kind of finding was reported by Hartnett who generalized that "women tend to be somewhat more liberal in their views than men." (Hartnett, 1970, p. 42.)

The disproportion of women on boards is not hard to explain when the attitude of appointing authorities is considered. They reflected the position stated by two of the early writers on educational administration, William E. Chancellor and Ellwood P. Cubberley, whose textbooks, published in 1904 and 1916 respectively, listed women among those categories of persons who "seldom furnish valuable board members." (Quoted in Counts, pp. 83-85.)

Except for this early sour note, all the authorities favored a greater representation of women on governing boards. Counts said women should be represented in numbers proportionate "to the degree to which they represent a special interest in society." He looked beyond just the "feminine interest," however.

> ...to the degree to which the interests of women change and become as varied as the interests of men, they might be expected eventually to represent not only what has been known in the past as the "feminine interest" but any other legitimate social interest with which they might happen to become identified. (Counts, p. 46.)

Klein argued, "Since most of the institutions are coeducational it is highly desirable that women be appointed to serve on the governing boards." (Klein, p. 56.) Hartnett, Helbron, and the Carnegie Commission all advocated more women on governing boards. (Hartnett, 1970, p. 47, Heilbron, p. 15. Carnegie, 1973, p. 33.)

Contrary to Hartnett's bold generalization in the introduction to his 1970 study in which he claimed "significant and widespread alterations in board membership are more fact than fancy; many institutions reported adding young people, women, Negroes, and those with educational occupations do their governing boards," even cursory analysis of his tables reveals quite the reverse. Even he admitted that such additions are still only tokenism, for "the great majority of them, in fact, are talking about an increase of *one*." (Hartnett, 1970, pp. iv, 71. His italics.)

2. There are very few young people on boards.

Counts not only surveyed the ages of board members, but he compared the medians with median ages of other groups. He found the range to extend from early thirties to past seventy-five, with 53.8 as the median. For members of the U.S. House of Representatives, the median age was 54.3; for U.S. Senators, 59.3; for state legislators, 45.4; for men in WHOS' WHO IN AMERICA, 57.5. (Counts, p. 36, Table XIV, p. 40, Table XVI.)

Beck's data on 224 trustees at fourteen State universities were not greatly different. Four trustees were under the age of thirty-five, all serving on the huge board of the University of North Carolina. Only 7% (apparently 16 individuals) were under forty. Only 32% were under 50; another 32% were between 50 and 59; 23% between 60 and 69; and 13% over seventy. One was at least 82 years old. Both the median and the mean for Beck's population were 56. The median age at the time of appointment was 52. He concluded that the age distribution of trustees differed from the general population to a "marked" degree. He reported that in 1923, 34% of the general population age 30 and over were actually below the age of 40; 62% were below the age of 50; only 19% were 60 or older and only 7% were over 70.

> Even when all persons under 30 are excluded from the computations as too immature for board membership, . . . the age curve for the general population also would reveal a concentration at the lower age levels where the fewest are chosen for board membership. Thus the age composition of these governing boards is in no sense typical of that of the general adult population. (Beck, pp. 85-88, 192, Table 21.)

More than thirty years later, Orley R. Herron, then dean of students at Westmont College, published an article in COLLEGE AND UNIVERSITY BUSINESS, arguing for younger board members.

> In a recent survey of 1,011 board of trustee members representing 57 colleges and universities, I found that approximately 87 per cent of the trustees were 41 years of age or older . . . . Almost 50 percent . . . were over 50 . . . and 37 per cent of that 50 per cent were 61 years of age or older. (Herron, 1967, p. 46.)

Hartnett and Rauh divided their respondents up according to category of institution. By decades for each type of institution, the percentages were:

	Under 40	40-49	50-59	60-69	Over 69
Community colleges	12	26	36	19	7
Four-year colleges	4	28	43	20	4
Universities	3	20	34	32	8

(Hartnett, 1969, p. 57. Rauh, pp. 88, 170.)

As with his comment about women, Hartnett claimed in his 1970 report that the number of young people on governing boards had increased substantially in the preceding eighteen months. Persons under forty (excluding students) had been added to fourteen university boards, ten four-year college boards, and ten community college boards. (Hartnett, 1970, p. 71.)

Later studies belie Hartnett's conclusion that these additions were "significant and widespread." The 1974 California legislature report concluded that between 70 and 85% of the trustees of large research universities were over fifty years of age. (California, p. 20-21.) And the 1977 updating of Hartnett's study done by Gomberg and Atelsek reported 5.5% were less than 30; 8.9% 30-39; 27.2% 40-49; 34% 50-59; 18.8% 60-69; and 5.6% over 69 (Gomberg and Atelsek, p. 17, Table 2.)

Similar to his comment about women trustees, Hartnett generalized that younger trustees were more "liberal" than older ones. (Hartnett, 1970, p. 42.)

Although Counts was highly critical of other concentrations of trustee power, he was not disturbed by the dominance of the older trustee on governing boards. He was satisfied that the range of age represented both "mature and relatively young and vigorous" members and "leaves little to be desired." (Counts, p. 40.) Other writers, however, favored more young members. Hughes, arguing that the "board should be young enough to sense the needs of the people they represent and guide the changing institutions to their largest service," charged:

> On most boards there are too many old men. The average age of the members of a given board is often too high. It would seem desirable to keep the average age between 50 and 60. It would also seem desirable that no member should serve beyond the age of 70 years. There should certainly be a substantial number of members between 30 and 50 on these boards.

He warned that a "large majority of aged men" maintain policies "unchanged." Heilbron also advised that "seventy is a reasonable retirement age for trustees." (Hughes, 1951, p. 7. Heilbron, p. 11.)

Herron favored trustees even younger than thirty.

> In a nation that will soon have 50 per cent of its population averaging 26 years of age and having a college student population averaging 20 years of age, we need to begin thinking young.
>
> I strongly advocate that no less than 25 per cent of the boards be represented by members who are in the age bracket of 31 to 40 years of age, and at least one member be selected that is in his late twenties.
>
> I have discovered through intensive interviews that those institutions having members at age levels of the late twenties and mid-thirties are extremely well pleased with the performance of such trustees. (Herron, 1967, p. 46.)

Even though the general population in 1982, as well as the college student population, is somewhat older than the figures given by Herron in 1967, the arguments favoring younger, non-student board members are still valid.

3. There are few ethnic minorities on governing boards.

By race, governing board members have been--and are--over-whelmingly white. Hartnett reported in 1970 that trustees of public community colleges, four-year colleges, and universities reported themselves Caucasian by 95%, 91%, and 96%, respectively. Those reporting themselves "Negro" were 2%, 8%, and 1% respectively, very likely most of them serving predominantly black institutions. A year and a half later, he reported seven universities, three four-year colleges, and three community colleges had added blacks to the governing boards. (Hartnett, 1969, p. 57 Hartnett, 1970, p. 71.) Up-dating Hartnett in 1977, Gomberg and Atelsek found that boards governing multi-campus public universities were 87.4% white, 9.7% black, and 2.9% other minorities (Gomberg and Atelsek, p. 17, Table 3.)

Hartnett advocated greater numbers of blacks on governing boards. Heilbron said minorities should be represented. The Carnegie Commission favored "broad inclusion of . . . racial groups." (Hartnett, 1969, p. 47. Heilbron, p. 15. Carnegie, 1973, p. 34.)

4. Most board members are college graduates.

In addition to the data and recommendations concerning alumni on boards, a number of studies have considered the educational background of board members. Of the 277 board members on whom Counts had educational data, 6% had not gone beyond elementary school, an additional 14% had not gone beyond high school, but 80% had attended college. (Counts, p. 47, Table XX.) By the time of the Hartnett and Rauh study in 1968, the situation had improved somewhat. Although one or two percent had not finished high school, 67% of the community college trustees had at least a baccalaureate degree and 41% had undertaken professional or graduate study, including 15% with masters degree or doctorates and 17% with a three-year professional degree. For four-year colleges, 82% had a college degree with 53% having done some graduate or professional work, including 25% with masters or doctoral degrees and 24% with three-year professional degrees. For the universities, 84% had college degrees, with 51% having done graduate study, including 15% with masters and doctoral degrees and 29% with three-year professional degrees. (Hartnett, 1969, p. 47. Rauh, pp. 89, 171.) Perhaps these figures were too rosy, for a decade later, Gomberg and Atelsek reported 5.4% of those governing multi-campus universities had less than a high school education; 6.9% possessed only a high school diploma; 3.9% a two-year college degree; 38.0% a baccalaureate degree; 15.1% a master's degree; 6.7% a Ph.D. or Ed.D., and 24% an M.D. or J.D. (Gomberg and Atelsek, p. 17, Table 3.)

Hartnett concluded that "trustees who hold earned advanced degrees" were "more liberal than those who do not." (Hartnett, 1970, p. 42.)

While there appears to be a general assumption that board members should be well educated, only Suzzalo and Hughes recommended that they should be college graduates. (Suzzalo, p. 89. Hughes, 1951, p. 7.)

5. Data on political preference and beliefs are limited.

Only two studies have sought information on trustees' political affiliation. Perhaps in part because of statutory stipulations affecting boards of public institutions, there does not seem to be a great imbalance in favor of either major party. Beck secured information on political preference of 546 trustees and generalized that public universities "showed a strong Democratic majority and private universities, a strong Republican majority on their boards." (Beck, pp. 103-104.) When Hartnett and Rauh asked trustees for their political preference and how they would describe their political ideology, a plurality described themselves as Republican and a majority as moderate in their views. Percentages for each question follow.

	Democrats	Republicans	Other	Conservative	Moderate	Liberal
2-year Colleges	39	52	5	25	60	13
4-year Colleges	43	48	5	22	50	17
Universities	45	49	3	18	63	16

(Hartnett, 1969, p. 65. Rauh, pp. 90, 172.)

In his chapter on the "Balanced Board" Heilbron analyzed board member responses to Hartnett's questions on a number of substantative issues and judged their attitudes to "lean to the liberal side."

> Thus, the establishment makeup of a board does not necessarily indicate liberal or conservative action, though in either case it is no argument against broadening representation. What it does suggest is that establishment trustees are not conservative stereotypes.

> ...The case for the diversified board is not that its decisions will be greatly changed but that it will symbolize greater equality of opportunity and that its decisions will be more credible to various segments of the academic community and the public. (Heilbron, p. 23.)

The National Commission for College and University Trustee Selection recommended, "Political party affiliation should not be a criterion for the selection of trustees." (Scott and Kohn, p. 19.)

6. In the one study which asked for religious affiliation, Protestants predominated.

Hartnett and Rauh found that Protestants had large majorities on boards of all three categories of public institutions. Taking two-year institutions, four-year colleges, and universities respectively, Protestants made up 77%, 81% and 76% of the board members. Catholics made up 11%, 11%, and 13% of each; Jews 7%, 2%, and 5%; other religions 0, 1%, and 1%. For each of the categories, 4% reported no formal religious affiliation. (Rauh, pp. 89, 171. Hartnett, 1969, p. 57.)

7. Affluent business and professional persons predominate on boards.

Several studies of governing boards have investigated the vocation, income, and socio-economic status of members. Occupation is a very important aspect of people's frame of reference, and consequently it may bear heavily on the issues which board members give weight to and the decision which they make concerning those issues. Rauh pointed out how the background of board members may influence the work of the board.

> Businessmen and lawyers are heavily represented on most boards. Their expertise causes the board to emphasize financial, plant, and management concerns. When larger numbers of trustees are drawn from such fields as education, social service, creative arts, etc., the board tends to be concerned with broader-ranging educational issues. (Rauh, p. 237.)

Beck, also commenting on the importance of occupation of board members, noted

> Undoubtedly, university governing board members are among those influenced by their means of livelihood. With few exceptions they probably spend the most important share of their waking time, interest, and effort on their occupations. In comparison, the time they can give to university matters must necessarily be minor. When these men do gather in the board room of the university, they cannot leave their occupations, with all the associated experience, feelings, interests, prejudices, and aspirations on the hatrack outside the door. (Beck, pp. 47-48.)

The earliest critic of the preponderance of businessmen and lawyers on governing boards was Stephen P. Duggan, who wrote in SCHOOL AND SOCIETY in 1916:

> A board of trustees was and is almost wholly made up of business men and lawyers. From its personnel as well as its method of appointment it was a conservative body. The average lawyer is guided by precedent and has his face turned to the past, the average business man usually wishes conditions as they are at present to be maintained. Representation of more varied interests would be desirable, but the ministry, journalism, teaching, social service, pure science or literature, in short vocations dealing with ideas and having their faces turned to the future, were conspicuously absent on boards of trustees. (Duggan, p. 229.)

Nearing classified the occupations of the trustees into business, professional, and miscellaneous. For State colleges enrolling 300 to 1000 students, 135 trustees were categorized as business; they included 29 merchants, 21 manufacturers, 21 "capitalists," 17 officials, and 36 bankers. For State colleges enrolling over 1000 students, there were 136 trustees in the business category, including 32 merchants, 13 manufacturers, 19 capitalists, 13 officials, and 44 bankers. Among the 230 professionals on the boards of the smaller state colleges, there were 23 doctors, 155 lawyers, 28 educators, and 11 scientists. Among the 153 professionals on the larger college boards, there were 20 doctors. 77 lawyers, 18 educators, and 11 scientists. In the miscellaneous category, the smaller colleges had 41 farmers, 5 homemakers, and 7 retired persons;for the larger, there were also 41 farmers, but 11 homemakers, and 11 retired persons. Only 2 trustees of the smaller colleges and none of the larger were classified as "mechanics." Nearing's findings confirmed Duggan's assertion:

> In the state institutions, merchants, manufacturers, capitalists, officials, bankers, and lawyers alone comprise 477, or more than two-thirds of the entire group of 776 board members.
>
> The business and professional world dominates the college and university world completely.
>
> . . . . .
>
> A new term must be coined to suggest the idea of an educational system owned and largely supported by the people but dominated by the business world. Perhaps "plutocratized education" will prove as acceptable as any other phrase. (Nearing, p. 299.)

When the AAUP committee on university governance investigated the personnel of the boards of twenty-five universities in 1920, their report echoed Duggan's complaint.

> Boards of trustees are comprised chiefly of members of the vested interest and the professions--bankers, manufacturers, commercial magnates, lawyers, physicians, and clergymen. It is a somewhat rare thing to find on a board a representative of either the teaching profession or scientific research. Still rarer to find a representative of the industrial workers! An investigation of the personnel of the boards of twenty-five universities bears out the above statement. (Leighton, p. 20.)

According to Counts, "perhaps the most significant findings" of his survey were the occupational data on the 351 male board members, whom he categorized into seven occupational groups. The proprietors were "all owners of enterprises in whatever field" except for farmers and shopkeepers. They included bankers, brokers, merchants, mine owners, manufacturers, and others who "constitute the backbone of the chambers of commerce." "Because of its great economic power, it is without qualification the most important occupational group in any American urban community." The second category, "professional service," included architects, clergymen, engineers, lawyers, physicians, teachers, etc. The third category, "managerial," included both public and private enterprises, from foreman to superintendent and officials of all kinds. In commercial service were all those, except for the ones in the first group, engaged in buying and selling. Clerical service included secretarial and accounting activities. Manual labor, excluding agriculture, included skilled, semi-skilled, and unskilled labor. Agricultural service included "all persons actually engaged in any sort of agricultural enterprise." Counts found that 33% of the members of boards governing public colleges and universities fell into the proprietor category. Another 41% were classified as in professional service. Five percent were in managerial and one percent in commercial service. Fewer than one percent were in clerical service, and manual labor had no representatives. Nine percent were farmers. The remaining 11% were ex-officio. When he separated the independent boards of agricultural colleges from those governing State universities, the percentages of those in agricultural service were 26% for the colleges of agriculture and mechanic arts as against 6% for the other State universities. Considering that a number of the latter institutions had agricultural colleges or departments," the rural population is provided with very meager representation." (Counts, pp. 51-52, Table XXIII, p. 57, Table XXIV)

To test Veblen's declaration that in the last decades of the nineteenth century business men had replaced clergymen in the domination of governing boards of American universities. Earl J. McGrath, then a graduate fellow at the University of Chicago, traced the changes in the occupation of board members of twenty universities from 1860 to 1930. In his sample he included five State universities: Iowa, Michigan, Minnesota, Missouri, and Nebraska (actually not founded until 1871.) He discovered that "only a small percentage of clergymen had ever served as board members of state universities, even in the early period." The high point was for the year 1870-71, when seven or 11.3% of the 62 State university board members were clergymen. As in other studies, however, his data confirmed Veblen's observation that business interests dominated the boards. When businessmen, bankers, and lawyers were combined, they made up large majorities of the boards in each decade. The smallest percentage of that combination was the 59.7% in 1870-71; the largest was 82.2% in 1910-11. the 1930-31 percentage slipped to 67,3%, which McGrath surmised was a "fortuitous fluctuation due to the small number of cases involved." In his summary, he supported the contentions of other critics from Veblen to Counts.

> The control of higher education in America, both public and private, has been placed in the hands of a small group of the population, namely, financiers and business men. . . . It is fair to include lawyers in this group because. . . a majority of these lawyers have been associated with large corporations; indeed, in many instances they have been presidents or directors of such organizations. (McGrath, pp. 265-266.)

Beck determined the occupation of 241 State universities board members. Over half (52.7%)were "professional workers,"with lawyers making up 38.6% of the category. Physicians accounted for 4.6%. College presidents made up 1.2%, three ex-officio members probably. Those whose occupation was as business and finance executives totaled 29.4%, more than 13% being from the field of manufacturing and 9% from the field of banking and finance. Farmers, who were classified as proprietors along with bankers and industrialists, constituted only 2.5% and public officials, 7.1%, many of the latter also probably ex-officio. Homemakers constituted only 4.6%. (Beck, p. 173, Table 5.) The presence of business and professional men

> in proportions greatly in excess of the percentages that they constitute of the general population. . . greatly understate the dominance of business leaders on these boards, for at least 47 percent of the trustees classed as professional persons were also officers or directors of business enterprises, as were 89 percent of the proprietors, managers, and officials. If professional persons holding those positions were reclassified as business men, the proportion of business men on these university boards would be increased to 71 percent. Similarly, if lawyers alone were added to the proprietary and managerial group, with which their activities and outlook very often identify them, the proportion of business men would likewise be raised to 71 percent, (Beck, p. 60.)

Beck made a complicated study of the income of the trustees, and while he could not get data on all the members in his study, he concluded:

> a very substantial proportion, if not practically all, of the trustees of the 30 universities studied were chosen not only from the upper 10 percent of the income distribution for the nation, but also from among the financially more successful within each major vocational group represented. (Beck, p. 73.)

Noting that the "occupations of trustees and the large income they receive reveal only partially the place of these trustees in the American economic system," Beck attempted to get information on the offices and directorships the trustees held in business enterprises. He found that at least 59% of the trustees of State university boards held major offices or directorships in various forms of business enterprises, but only 8% held offices or directorships in one or more of the four hundred largest businesses in the United States. (Beck, pp. 74,76,77, 189, Table 18, p. 190, Table 19.)

The Hartnett and Rauh survey showed a heavy concentration in the fields of manufacturing, merchandising, and money-management. For the community colleges, 33% were executives in these fields; for the four-year colleges, 39%; for the universities, 47%. There were no non-executive employees from these three fields represented on the public institution governing boards. For the community colleges, 12% were lawyers; for the two-year colleges, 16%; for the universities, 20%. Physicians and dentists made up 4,5, and 7%, respectively. Farmers made up 9, 2, and 6%, respectively. Labor officials, 0, 1, and 1 percent. Teachers and administrators in elementary and secondary schools, 5, 5, and 3%. Higher education faculty, 1, 2, and 1%. (Hartnett, 1969, p. 59.) Rauh comments, "in spite of the growth of interest in the humanities as a field of undergraduate and graduate study, only .4 of 1 percent of the trustees list the creative arts as a principal occupation." (Rauh, p. 173.)

The questionnaire asked for total family income for the 1967 calendar year, and in spite of the highly personal nature of this question, fewer than two percent of the trustees of public institutions failed to respond to this question.

By $1,000, in percent, they reported as follows:

	Under 10	10-19	20-29	30-49	50-99	Over 100	Median
Community college	13	30	25	20	8	2	20-29
Four-year college	4	26	20	27	13	9	20-29
Universities	3	14	15	27	23	16	30-49

(Rauh, pp. 92,176. Similar data in more detail in Hartnett, 1969, p. 57.)

When Hartnett did his follow-up study eighteen months later, he reported that persons whose principal occupation was in the creative arts appeared on five more community college boards, but none had been added to the four-year college or university boards. Persons in educational occupations (but not on the same campus being served) had been added to eight university boards, six to four-year college boards, and four to community college boards. However, in most cases it was only one such person on each board. (Hartnett, 1970, p. 71.)

The 1977 updating of the Hartnett survey found that on boards which governed institutions with more than three campuses business and law were still the largest block: executives of mining and manufacturing--14.3%: banking executives, 9.6%; other business, 4.0%; law 13.3%; doctors and dentists, 7.1%; administrators in higher education, 3.6%; faculty members of higher education (not necessarily serving on the board of their own institution) 2.0%; students, 3.8%; teachers from elementary or secondary schools 4.4%; executives of non-profit organizations, 3.7%, farmers, 6.0%: "homemakers", 4.4%, retired, 4.5% The rest were in the category of "others." (Gomberg and Atelsek, p. 17. Table 4.)

The 1974 California legislature report on boards governing large public research universities concluded that between 53 to 70% of their regents earned more than $20,000 annually. (California, pp. 20-21.)

Although the Ford Foundation Fund for the Advancement of Education study done in 1957 confirmed the results of other studies, it rationalized the dominance of boards by one major socio-economic group.

> The Committee's own survey supports the belief that business and the professions now provide the bulk of the membership on boards of control. In some quarters it is believed that the socio-economic status of board members has an important bearing on the attitudes they take on issues involving academic affairs. But the truth of the matter may well be that board membership breeds an attitude and perspective that has little to do with the station in life from which the member enters upon his duties. On many boards there is a unity in pursuit of the goals of higher education and in defense of the university that obliterates previous distinctions among board members. (Moos and Rourke, p. 306.)

It might also be that the distinctions are "obliterated" because there were so few distinctions existing among trustees whose interests were basically alike prior to their selection as board members. Hartnett generalized that "trustees from business occupations" were "more conservative than trustees from other occupational groups, particularly educators." (Hartnett, 1970, p. 42.)

Harvard President Eliot believed that public universities had the disadvantage of "the political, commercial, or class influences which sometimes control the choice of trustees or regents in institutions maintained from public revenues." He distrusted the impact that persons from the lower classes might have on a governing board.

> In the American state and city universities and colleges the objectionable political influences have diminished with time; but class influences such as that exerted by farmers as a class, or trade-unionists as a class are still apt to prove potent.
>
> . . . . .
>
> The kind of man needed in the governing board of a university is the highly educated, public-spirited, business or professional man. (Eliot, pp. 1-3.)

Chancellor agreed with Eliot in preferring the man of business or profession, listing four categories of persons who would make desirable board members: manufacturers; merchants, contractors, bankers, and other men of large affairs; physicians, if in successful practice; and college graduates who are successful in their own affairs. Eight categories of those who "seldom furnish valuable members" were inexperienced young men, unsuccessful men, old men retired from business, politicians, newspaper men, uneducated and unlearned men, men in subordinant business positions, and women. Cubberley, in what Counts described as "the most widely read and influential book on school administration in our generation," borrowed Chancellor's list directly, deviating only to substitute "saloon-keepers" for "newspapermen" in the list of undesirables. (Counts, pp. 83-85.)

Ernest H. Lindley, then president of the National Association of State Universities and Chancellor of the University of Kansas, wrote in 1925 that labor leaders believed that "the state universities . . . are under the domination of special interests." While he and other representatives of "state-supported education may deplore this misunderstanding of the educational aims of our institutions, . . . this attitude of organized labor" might be overcome by "representation of labor on boards of regents." (Lindley, p. 700.)

Counts clearly favored broader representation on the boards of all educational institutions, but he did not develop any specific recommendations. He approved an American Federation of Labor proposal which called for two representatives of education, one of the manufacturing and commercial interests, one of agriculture, and one of labor. Counts then commented, "Interests other than those . . . should probably be recognized, but . . . some such provision should be made." (Counts, pp. 96-97.)

In his concluding chapter, Beck recommended a governing board of thirteen members:

8 representative of The Public (at least one of whom should be a woman), distributed as follows:

2 representatives of business, broadly defined
2 representatives of the professions
2 representatives of agriculture
2 representatives of wage earners

5 representative of The University (at least one of whom should be a woman), distributed as follows:

2 representatives of the faculty
2 representatives of the alumni
1 representative of the students

This was presented as a model which might be changed to fit the "individual characteristics" of a particular institution. For example, if the institution had no agriculture programs, the number of agriculture representatives might be reduced. (Beck, p. 151.)

Hughes recommended that while "some members of the professions are desirable," boards should broadly represent "the classes of people the institution is designed to serve."

> Farmers should be represented on boards of agricultural colleges; engineers on boards of engineering schools, etc. Newspaper editors often make very valuable contributions. (Hughes, 1951, p. 7.)

Herron recommended that Boards possess a balanced occupational diversity and top-level executive experience. (Herron, 1969, pp. 74-75.) Rauh commented that if boards should have a "greater diversity of view, . . . age, occupation, and income are but three indicators of possible diversity." (Rauh, p. 150.) Hartnett made the cautious observation that boards might be better able to deal with the current social and educational problems facing them "at institutions where considerations of certain kinds of balance--in terms of age, sex, race, occupation, and the like--have been made." (Hartnett, 1970, p. 44.)

There are conflicting opinions about the degree of diversity among board members as to vocation, some emphasizing the need for persons experienced in executive and business responsibilities, some suggesting a wider range of interests.

While no one has denied that lawyers and businessmen can provide useful perspectives for board decisions, even those least critical of the "plutocraticized" boards acknowledge the overwhelming power and influence of business interests on most boards and recommend increased diversity.

8. Disinterested but mature judgment and commitment to the ideals of scholarship and democracy are qualities desired in board members.

Many writers have described the ideal governing board member. Eliot's pattern is not greatly different from those who followed him.

> The kind of man needed in the governing board of a university is the highly educated, public-spirited, business or professional man, who takes a strong interest in educational and social problems, and believes in the higher education as the source of enlightenment and progress for all stages of education, and for the industrial and social interests of the community. He should also be a man who has been successful in his own calling, and commands the confidence of all who know him. The faculty he will most need is good judgment; for he will often be called upon to decide on matters which lie beyond the scope of his own experience, and about which he must, therefore, get his facts through others, and his opinions through a process of comparison and judicious shifting [sic]. (Eliot, pp. 2-3.)

Suzzalo recommended that members "should be college graduates, public spirited," with a "genuine interest in higher education," and "experience with affairs sufficient to guarantee breadth of outlook and soundness of judgment in utilizing the evidences and opinions of other men." (Suzzalo, p. 87.)

In summing up the responses of college presidents concerning qualifications of board members, Hooker wrote:

> Members of the board of control should be well educated whether college graduates or not; men and women of integrity, broad-minded, interested in public welfare and successful in the business and professional life of the state. (Hooker, p. 690.)

Elliot, Chambers, and Ashbrook detailed the personal qualities which should characterize board members.

> Those who are free from the dominance of any partisan group; conversant with history and ideals of the institution; leaders in their own fields of activity so that the public has confidence in their ability; able and willing to devote considerable time to their duties; and capable of regarding hiher education as a dynamic force in civilization and their trusteeship as a high form of civic service. (Elliott, p. 42.)

In a chapter on "Qualifications Recommended for University Governing Board Members," Beck summarized earlier studies and expressions of opinion regarding trustees, including William A. Ashbrook's unpublished doctoral dissertation (Ohio State, 1930). Among the qualifications collected by Ashbrook were: "absence of political or other extraneous influence," "understanding of history and ideals of the institution," "ability to maintain public confidence," "sound judgment," "breadth of outlook," and "good business sense." Beck added his own views about the personal characteristics desirable in trustees:

> (1) adherence to the ideas, beliefs, and practices of democracy; (2) competence in cultivating a democratic social orientation for higher education, and (3) a strong motivation to promote science and scholarship. (Beck, pp. 35-36.)

Herron listed five characteristics of successful trustees: a balanced occupational diversity; top-level executive ability; education (but he was not clear on how much except to say "not every board member has to be equipped with a Ph.D."); time to devote to their duties and "motivation" (although he does not specify what kind of motivation). (Herron, 1969, pp. 74-75.)

Heilbron made only very general statements:

> All board members should possess high personal qualifications. Trustees should always include substantial membership from the establishment with experience in education and community service. (Heilbron, pp. 13-14.)

9. Although there has been some increased diversity in board composition, they are still very similar to those of fifty years ago.

Two studies done fifty years apart show little significant change in the composition of governing boards. In 1926, Counts described a "typical board" of ten members governing a State college or university.

> With the exception of one ex-officio member, they are appointed by the governor for a term of six years. One of the members is a woman, who follows the occupation of a housewife. Of the nine men, one is the state superintendent of public instruction; three are lawyers; one is a merchant; one, a banker; one, a farmer; one, a manufacturer; and one, a physician. From the standpoint of formal education. . . . one of the ten is a product of

> the elementary school, and one advanced no farther than the secondary school, while eight have enjoyed college or university privileges. In age, they . . . range . . . from forty to seventy years . . . . In length of service, . . . two are serving their first year, while . . . a veteran . . . has already given twenty years of service to the board. (Counts, p. 80.)

In 1977, Gomberg and Atelsek's study revealed the "typical" board member was a white male business executive or lawyer in his fifties with a bachelor's degree. Women, young people, ethnic minorities, and the lower socio-economic class were still very much under-represented in relation to their proportion of the total population. (Gomberg and Atelsek, pp. 16-17.)

D. BOARDS HAVE BROAD LEGAL AUTHORITY BUT ARE ADVISED TO LIMIT THEIR ROLE.

In the preceding sections of this chapter, an effort was made to separate findings of facts from expressions of opinion. This is difficult to achieve with the statements on the roles and functions of governing boards. Those writing on board activities have so mingled the proposed with the actual that any attempt to separate practice from recommendation might obscure meaning. Consequently, this section may appear to be highly opinionated and controversial. The commentators, however, are close observers of higher education, and many are experienced as board members or presidents so that their suggestions and warnings are worthy of serious consideration.

1. Boards have many responsibilities.

Harvard's President Eliot described the appropriate roles and functions of the governing board and then advised about delegating authority to the faculty and administration.

> The functions of the board of trustees or regents of an American university are of fundamental importance. They relate to the management of property both real and personal; to the distribution of the annual income of the university among the different departments of instruction and research;

> to the appointment of all officers and teachers in the university; to salaries and retiring allowances; and to the enactment of the rules or statutes under which the regular work of the university proceeds. The board also passes finally on all the educational policies of the university; but in this function it ordinarily follows the advice of the university faculties. (Eliot, pp. 6-7.)

Duggan described the powers of trustees briefly in 1916, noting that they appointed the president "and all the instructing staff" and had "legal control over the educational as well as financial and material interests of the institution." (Duggan, p. 229.)

At the 1924 joint meeting of the AGB and the National Association of State Universities, J.W. Fesler, president of the Association of Governing Boards of State Universities and Allied Institutions and a regent of Indiana University for some twenty-two years, quoted a statute which he said was typical in creating board powers. The broad powers conferred by the law identified "certain very definite functions for the trustees" involving the "business management" of the university. These included the authority to possess and hold property, expend income, elect a president and other such officers as necessary, prescribe their duties and salaries, prescribe the course of study and price of tuition, and make all by-laws necessary to carry into effect the powers conferred upon the president and faculty. (Fesler, p. 65.) At the same meeting, Miami University's President Raymond M. Hughes listed the "fundamental duties of the trustees": raising of funds, determining educational aims, planning the plant, selecting the president and faculty, preparing and approving the budget, and "Maintaining harmony, friendliness, unity of purpose, and good feeling throughout the institution" (Hughes, 1924, p. 69.) Another speaker at that meeting, University of Washington President Henry Suzzalo defined the powers which were clearly board responsibility, as distinct from those properly delegated to faculty or administrators:

> The regents should determine public policy, which is in no sense a faculty function. They should have control of investments of funds . . . and . . .

> final determination of the annual budget allocating funds to various educational activities. They should . . . lay down the policies under which the University administration and faculty operate.
>
> While they should have a final approval or veto on educational policies and procedures, . . . the initiative in educational matters should belong to the president or the faculty. (Suzzalo, p. 89.)

In a speech before the AGB in 1950, M.M. Chambers reminded board members that their duty is "to act as a member of a deliberative body which formulates policies and selects an executive agent to carry them forward." He said that the selection of the university president is "the most important single act a governing board has to perform." (Chambers, 1950, p. 45.)

Raymond Hughes, by then president of Iowa State University, echoed Chambers' point in A MANUAL FOR TRUSTEES OF COLLEGES AND UNIVERSITIES, published in 1951. Pointing out that board members "stand between the institution and the public," he charged them with the duty to set the general goals and purposes of the institution.

> It is their responsibility to see that the types of service for which the institution was established are rendered as effectively and economically as possible, and that as many properly prepared students as possible are adequately served. It follows that the chief duties of the trustees are to determine policies and see that these policies are carried out by competent administrative officers.

Among the specific responsibilities Hughes discussed are those of custodian of all property, appointing the president, and acting as the final court of appeal for students, faculty, alumni, and all staff members "who feel that the administration has not adequately cared for their interests." Among the policies which the board should set, Hughes includes determining how many students the institution should enroll, admission criteria, the "scope of the work" of the institution, "*policies* relative to new appointments and promotions," policies relative to teaching load, research, and administrative work, and decisions on campus and buildings. (Hughes, 1951, pp. 13, 14, 50, 61, 71, 73, 76, 86, 88, and 96. Italics in source.)

The Committee on Government and Higher Education, set up by the Ford Foundation Fund for the Advancement of Education in 1957, reported that it is "perplexing" to define "the precise position of the trustee in the governing structure of higher education."

> The quest for an authoritative statement on the position of the trustee is a perennial one.
>
> In the case of a trustee who exercises jurisdiction over a state college or university, one part of his legal duty is quite clear. It is to insure that the funds appropriated by the state. . . are managed in as wise and frugal a manner as possible and with responsiveness to the long-range needs of the people in the state.

Another duty of the trustee is the selection of the president, which is "the most important decision a board makes." (Moos and Rourke, pp. 306-307, 308.)

Beardsley Ruml also did a study at the request of the Fund for the Advancement of Education. Himself a Dartmouth trustee, Ruml directed his 1957 MEMO TO A COLLEGE TRUSTEE to "the traditional, independent 4-year liberal college," but asserted that the report "applies to the. . . private or public university." Unlike most writers on board responsibilities, Ruml charged them with the "design and operation of the curriculum" and urged that they "take back from the faculty as a body its present authority over the design and administration of the curriculum." (Ruml, pp. xi, 7, 13.) Ruml's views will be elaborated on later in the section on board relationships with faculty and administration.

In their 1959 study of 519 boards governing public colleges and universities, Martorana and Hollis reported the board's "chief responsibility" is "determining what the image of the institution governed is to be." Although "Years of tradition lie behind the concept that the faculty controls the program of instruction," the governing board has three responsibilities in "determining programs of instruction, research, and service:"

> (1) maintenance of a sense of direction and balance in institutional offerings consistent with educational purpose; (2) recognition and preservation of the values of freedom in instruction, research, and service and of faculty involvement in developing policies in these realms; and (3) encouragement of change in institutional offerings as conditions change.

Other trustee responsibilities frequently cited by other authorities and included by Martorana include building and campus planning, short-range and long-range budget planning, lobbying with the legislature and governor for funds, care and supervision of funds and investments, serving as a public relations agent with the public for the institution, and establishing "plans and techniques whereby institutional effectiveness can be determined objectively and regularly." (Martorana, pp. 80-88.)

During the period when the University of California was torn by student demonstrations and strikes, its Board of Regents authorized Jerome Byrne to study the governance of that complex system of higher education. His 1965 report charged that the Regents had "neglected basic legislative responsibilities" so that "Even on the procedural side, it is difficult or impossible to authoritatively ascertain Regental policy." He recommended that "the Regents concentrate on their legislative function" and defined seven "basic roles and functions of the Regents" as:

> (1) To provide for and sustain a system of governance for the University
> (2) To establish the fundamental policies which govern and guide the University system
> (3) To choose, appraise, and remove the principal executives of the University
> (4) To assure that sufficient funds are supplied to support the University
> (5) To provide for the management of the University investments
> (6) To allocate funds among the separate universities which make up the University commonwealth
> (7) To protect the University commonwealth from unwarranted attack as it carries out its purposes. (Byrne, pp. 14, 83-84.)

After a two-year cooperative effort, the American Association of University Professors, the American Council on Education, and the Association of Governing Boards of Universities and Colleges issued jointly the 1966 Statement on

Government of Colleges and Universities. While emphasizing the shared responsibility of board, administration, and faculty, the Statement noted that "only the board speaks legally for the whole institution" and "operates . . . as the final institutional authority."

> One of the governing board's important tasks is to insure the publication of codified statements that define the over-all policies and procedures of the institution under its jurisdiction.
>
> The board plays a central role in relating the likely needs of the future to predictable resources; it has the responsibility for husbanding the endowment; it is responsible for obtaining needed capital and operating funds; and in the broadest sense of the term it should pay attention to personnel policy. (Statement on Government of Colleges and Universities, p. 377.)

The Statement's position on the board's role as a buffer between the institution and the public will be discussed under acadmic freedom in the next section.

In an article defending the need for governing boards, St. Johns University trustee Charles A. Nelson, argued that boards should be involved in more than just the financial issues and should exercise their responsibility over program proposals.

> If budget review is to be itself a significant act of discriminating judgment the trustees must be fully involved in the deliberations on major program decisions. (Nelson, p. 9.)

Louis Heilbron's THE COLLEGE AND UNIVERSITY TRUSTEE was written "for trustees, by a trustee." Subtitled "A View from the Board Room," it presented case studies of some controversial problems facing trustees of State institutions in the 1970's. His recommendations are summarized in his epilogue on the "Uses and Abuses of the Trusteeship."

> The board must be conscious that it holds much of the legal power of governance but know that it can succeed only through the wise sharing of that power with administration, faculty, and students . . . . The board must protect the university against those who would weaken it from without by overeconomizing in the support budget, by limiting its scope of experimentation, by restricting its freedom to pursue the truth, and by shifting too much power to political centers. It must defend the university against those who would try to weaken it from within by pressuring to homogenize faculty, to disregard merit, to act as though

> democratic government cannot provide procedures to afford equal opportunity and yet reward excellence, and to reconstitute it to serve political purposes. . . .
>
> Of course, there are abuses of power which a board of trustees must avoid: too much engagement in administration; too much second-guessing the president; too much delay in dealing with faculty and student grievences; . . . too little understanding and exchange with faculty; too little sympathy with the needs of students; too little homework on developing issues; too little firmness where firmness may be required; too much evasion of responsibility; too passive a position in the face of pressure. (Heilbron pp. 224-225.)

One of the "six priority problems" addressed by the 1973 Carnegie Commission report on GOVERNANCE OF HIGHER EDUCATION was "the role of the board of trustees and the president." The report listed six functions that the "board, at its best, serves":

> It holds and interprets the "trust"--the responsibility for the long-range welfare of the total institution, it defines the purposes to be followed and the standards to be met; it is the guardian of the mission of the campus; it evaluates overall performance.
>
> It acts as a "buffer" between society and the campus, resisting improper external interference and introducing a necessary contact with the changing realities of the surrounding society. . . .
>
> It is the final arbiter of internal disputes involving the administration, the faculty, and the students. . .
>
> It is an "agent of change," in what is historically a conservative institution, deciding what changes should be permitted and what changes should be encouraged and when. . . .
>
> It has the basic responsibility for the financial welfare of the campus.
>
> Above all, it provides for the governance of the institution-- even if it no longer actively governs in detail; it appoints and removes the president and other chief officers, and arranges for the administrative structure. (Carnegie, 1973, pp. vii. 32-33.)

In his speeches and books, John J. Corson called for governing boards to be more aggressive in their responsibility for the direction and quality of the institutions they served. Noting that they focus their attention on buildings, finance, and "the public image of the institution," he charged that the "boards were little concerned with what they described as 'academic affairs,'" a failure he judged to be "of large consequence." Trustees should "undertake . . . extensive and continued monitoring of all aspects of institutional functioning," including student admissions, financial aids, recruiting of faculty, evaluation of faculty for tenure, proposed curriculum change, and qualification of graduates. Boards must "accept the responsibility for all decisions which affect the character and quality of the college or university." (Corson, 1973, pp. 5-10.) In the 1975 revision of his book THE GOVERNANCE OF COLLEGES AND UNIVERSITIES, Corson expanded on these views at some length. Agreeing with J.G. Paltridge that boards "involve themselves with 'excessive amounts of operational detail'" in those "areas in which they feel more comfortable--finance, physical plant, and public relations," Corson complained that they devote only "about a fourth of their time and attention to such central socioeducational matters as admissions, curricula, and the quality and ideological balance of the faculty as a whole." Going beyond the conventional limits of board responsibility, Corson called on boards to assume responsibility for policy decisions that are essentially at the heart of the purpose of the institution, arguing that many academic decisions are social as well as educational.

> Although the governing board is endowed with the legal power to make all decisions on all matters, the conventional wisdom holds that the board should (1) select the president and approve selection of other key officers, (2) define the objectives of the institution and ensure consistent pursuit of those objectives, (3) oversee the financing of the institution--approving the annual budget, plans for obtaining needed resources, and the investment of endowments, (4) preserve and develop needed physical facilities, and (5) represent the institution to the public and the sources of funds.
>
> . . . .
>
> Trustees' decisions on nonacademic matters depend for their validity on the trustees' understanding of educational objectives and processes. Decisions as to budgets and buildings should be founded on an understanding of the activities being financed and housed. Decisions as to when to support the president or defend the faculty, when public criticisms are voiced, are usually more persuasive when based on an obvious understanding of educational values.

> This understanding of educational issues is needed because decisions as to who shall be educated, what programs shall be offered, and who shall teach are of too great importance to the society to be made by faculties or in major part by departmental faculties alone.

Because they are "agents of society, deriving their authority from a public grant," the trustees must see that public policies and needs are met and served.

> The decisions they make as to admissions determine the reality of the state's guarantees of educational opportunity. The decisions they make or countenance as to curricula constitute their diagnosis of the educational needs of the society being served. The decisions as to faculty in the institutions for which they are responsible markedly influence the quality of the education offered. Their decisions are *social* as well as educational and financial.

Other responsibilities of the governing board include aiding the institution "in repelling the mounting forces of bureaucratization" and providing "continuing objective appraisal of internal operations." (Corson, 1975, pp. 265-270. Italics in Corson.)

James Perkins, former Cornell University president and Chairman of the Board of the International Council for Education Development, edited a 1973 report on THE UNIVERSITY AS AN ORGANIZATION Perkins himself wrote the chapter "Conflicting Responsibilities of Governing Boards," in which he acknowledged that the board is "the supreme legal authority for the university community."

> As a result, all appointments, all expenditures of funds, and the granting of degrees must be made by the board or by a process (or in accordance with delegations) approved by the board.

Perkins noted that changes within the university in the direction of becoming a "democratic institution" have forced upon governing boards a new role as "agent of the university community." This new role has two major dimensions: functioning as a "court of last resort for the university's various internal constituencies" and "responding to the pressures to transform the university into an active instrument for achieving social justice in society." (Perkins, pp. 206-211.)

2. Boards represent the public but must remain independent of partisan or special interests in protecting the integrity of the institution.

Perkins' description of the board's role in a period of social change highlights the most difficult and controversial role a governing board must fulfill, that of a "bridge--representing the university's interest to society as well as society's interest to the university."

> Sometimes . . . the board's role became one of protector of the academic community from the incursions of hostile societal interests and protector of society from disruptive university activity.

In these situations the "bridge" becomes a "baffle or barrier." But how does the board serve as both "bridge" and "barrier"?

> In state universities the board of regents is, in general, responsible to the governments that created the university and appointed them to their posts. But how does a regent act as an agent of the state and as a member of an autonomous organization at the same time? How does a regent conceive his role when he is appointed by the state to an office designed to protect the institution from the state itself?

Perkins gives as an answer to his questions only the expectation that long terms of office will assure board members' "independence of a particular governor or legislature." (Perkins, pp. 208-209.)

Others have dealt with the relationship between the community and the institution in more forthright fashion. In a letter published in the Chicago Tribune in 1897, James H. Raymond, lawyer and Northwestern University trustee, argued that professors and trustees should reflect the beliefs of the dominant powers of the society.

> "As to what should be taught in political science and social science, they [the professors] should promptly and gracefully submit to the determination of the trustees. . . . A professor . . . must of necessity be an advocate, but his advocacy must be in harmony with the powers that be. . . . If the trustees err it is for the patrons and proprietors, not the employees, to change either the policy or the personnel of the board." (Quoted in Shibley, pp. 294-5. Brackets in the source.)

George Shibley, responding to Raymond in an article titled "The University and Social Questions," defended the responsibility of the university to present "both sides" of issues dealing with "economic, political, or social science" and concluded that the Constitutional guarantees of freedom of speech and of the press should be extended "to the seats of learning." However, it was not the professors who were to exercise the freedom, but the governing board.

> Each board of trustees is given the power to employ and dismiss professors, and in only two or three instances in this country has the board of a State university delegated to its professors of the science of wealth and government the right to teach that which is thought to be the truth regardless of the boards of trustees, and also to retain their positions and salaries. . . . Each professor should either teach the policies that the board desires to have taught or resign his position--and such, I believe, is the growing opinion among university professors themselves. (Shibley, pp. 300, 295.)

Shibley gives no hint as to how he arrived at the conclusion that professors agreed with his opinion.

Fesler, president of the AGB in 1924, took the position that the board is responsible for defending the university from interference by outside political forces.

> The highest development of the University is not possible under political control, personal or partisan, and whenever the effort toward such control becomes apparent on the part of any group or, indeed, upon the part of the appointing power, it is the duty of the governing board to block it, even if such action involves direct conflict with the appointing power. (Fesler p. 63.)

In a 1935 address to the Conference of the Trustees of Colleges and Universities, Chancellor Emeritus Samuel P. Capen of the University of Buffalo stressed the trustees' responsibility for preserving academic freedom. After pointing out the importance of allowing "free inquiry and discussion on the part of both students and faculty," Capen charged, "it is a sad commentary on the intelligence and patriotism of administrative officers and governing boards that those who have overtly violated the principle of academic freedom . . . have invariably been presidents and trustees."

> The suppression of academic freedom is far more common than most casual observers are aware. . . . The suppression is more often brought about by a subtle form of terrorism, which is perfectly effective but produces no explosion. I am measuring my words when I say that most boards of trustees either constantly employ this method of preventing discussion of controversial subjects, or are believed to be disposed to employ it whenever occasion may arise. Professors are not all heroes, . . . and when they are convinced that their positions will be jeopardized by the display of intellectual boldness few of them are bold. But it goes without saying that the intellectual morale of institutions which are so governed is at a low ebb. What really useful contribution can they make either to the training of future leaders of American society or to the advancement of knowledge in those fields which involve human relations?
>
> . . . .
>
> Who . . . should interpret and defend academic freedom? I believe the interpretation and defense should be a joint responsibility of faculty, president, and trustees. The responsibility of trustees in this matter is no less than that of the other two partners in the management of higher institutions. . . . In a legal sense the responsibility is all theirs, to be delegated if they choose, but not to be vacated. (Capen, pp. 25, 29-30, 30-32.)

Martorana, in stating the board's responsibility in determining the program of teaching, research, and service, charged the board with the "recognition and preservation of the values of freedom in instruction, research, and service."

> The board of trustees must stand behind the competent scholar who is doing his job well, even in the face of controversy and public examination. (Martorana, p. 83.)

Raymond Hughes gave the board chairman the difficult role of resisting outside political influence, even from the appointing authority, the governor.

> In state institutions a governor is often tempted to interfere in the operation of the institution. He has no authority or right to influence the institution in any way except as he

> nominates trustees. Should he suggest anything along other lines, the president of the board should be ready and able to fully defend the independence of the board. (Hughes, 1951, p. 8.)

This position was stated forcefully in the 1966 joint Statement on Government of Colleges and Universities, issued by the AAUP, AGB, and ACE.

> When ignorance or ill-will threatens the institution or any part of it, the governing board must be available for support. In grave crises, it will be expected to serve as a champion. . . . The board should make clear that the protection it offers to an individual or a group is, in fact, a fundamental defense of the vested interests of society in the educational institution. (Statement on Government of Colleges and Universities, p. 378.)

As a result of the November 1966 student sit-in and strike, a student-faculty Study Commission on University Governance was established in January 1967 by the Berkeley Academic Senate and the Senate of Associated Students of the University of California. Their report charged that Regents were making "a mockery of the official theory that the Regents serve as a buffer between the university and the political pressures emanating from a hostile environment." (Foote, p. 60.)

The 1973 Carnegie Commission report, which charged the governing board with serving as a "buffer between society and the campus, resisting improper external interference," quoted a 1971 report of the American Academy of Arts and Sciences which complained that boards were failing to fulfill that role.

> Boards of trustees have often been effective buffers against political and other pressures directed at colleges and universities. Today, however, boards are sometimes the conduits of these pressures, serving only to exacerbate already difficult situations. The buffer role ought to be reinforced, particularly in those state institutions where political pressures are especially strong. (Carnegie, 1973, pp. 32, 138.)

The Byrne report, quoted earlier, listed protecting the university from "unwarranted attack" as one of the seven basic roles of the board (see **page** 67), and Heilbron listed among the "uses" of trusteeship the protection of the university from those both within and without and among the "abuses" "too passive a position in the face of pressure." (See pages 49-50.)

Samuel B. Gould, Chancellor Emeritus of the State University of New York, in a chapter on "Trustees and the University Community" in the 1973 Carnegie Commission on Higher Education report on THE UNIVERSITY AS AN ORGANIZATION, warned that when trustees are "unduly sensitive . . . to the political figures or bodies responsible for their appointment," they "vitiate their contributions to the progress of the university and endanger the university's integrity" by allowing "it to be compromised by their own lack of independence." He called upon trustees to "insist upon" independence for themselves and the university, "regardless of political affiliations, professional loyalties or predilections, ethnic or religious ties." (Perkins, pp. 222-223.)

3. Boards are cautioned to observe the line between making and administering policy.

In the section on the board's responsibilities, the duty of determining policies was stressed by several of the authorities on university governance, including Eliot, Fessler, Suzzalo, Hughes, Chambers, and the Carnegie Commission on Higher Education. At the same time, these same sources generally cautioned against the tendency of boards to become too directly involved with the execution of policies, a role more properly delegated to administrators or faculty.

Eliot, who sought the presence of business executives on governing boards because of their experience in management, warned that that same experience might lead the business man to assume erroneously that any service can be bought for a price. "That conception, however, has but a small place in the management of a university," and "many of the things" a trustee may have "learnt to value in his business experience he will have to discard absolutely in contributing to the management of a university, because they are inapplicable." (Eliot, pp. 30-39.)

Fesler, as president of the AGB, distinguished between the "business management" functions which should be the responsibility of the board, and the "academic and administrative functions which . . . should be primarily the responsibilities of the President." (Fesler, p. 65.)

In a speech before the Association of Governing Boards in 1950, M. M. Chambers, recognizing that trustees were "often very successful executives in their own business, accustomed to acting directly in executive capacity," pointed out that their responsibility as board members was quite different. Their duty on the board "is to act as a member of a deliberative body which formulates policies and selects an executive agent to carry them forward." They should give "the major part of your attention to the broad-scale, high-level, long-term higher education planning for your state and your institution."

> A good trustee, keeping his attention on the proper policy-making function of the governing board, will scrupulously refrain from undertaking to interfere with the executive or administrative tasks which belong to the president and the deans. He will regard the selection of a university president, when necessary, as the most important single act a governing board has to perform; and he will never seek to take over or unduly influence any duty of the president. (Chambers, 1950, p. 45.)

Raymond Hughes acknowledged that one responsibility of the board was the development of policies concerning personnel matters, but the administration of the policies should be delegated to the administration and faculties.

> The trustees should leave all selection of new staff members, and all promotions, wholly to the president and deans. . . .
>
> Nothing is more objectionable or more detrimental to morale and academic standards than trustee-dictated appointments to the staff. (Hughes, 1951, pp. 85-86.)

The distinction between formulating policy and administering it should apply to all functions of the board.

> One of the first things that should be impressed on a new trustee is that he is a trustee and not an executive. The operation of the institution and the selection of the staff are the functions of the president and the faculty. . . . If the president fails to direct the institution in an effective and satisfactory manner, by all means replace him as soon as possible with a more capable man. But do not assume any personal part in the immediate direction of the college. (Hughes, 1951, p. 170.)

The 1957 report of the Committee on Government and Higher Education set up by the Ford Foundation Fund for the Advancement of Education pointed out:

> A board cannot administer as effectively as a president, and a president cannot administer at all unless he is given a broad grant of discretionary authority by the board.

It is because the board must delegate so much authority to the president that the selection of the president is crucial. Once the president is named, the trustees must exercise "self restraint" in recognizing "the practical limits as well as the legal breadth of a board's authority."

> The peculiarity of the trustee's position is, therefore, that he occupies a position of supreme legal responsibility in higher education, but if he exercises this authority in a pervasive way in the internal affairs of the university, he risks destroying the vitality and creative energy by which the institution is nourished. . . .
>
> . . .the act of self-denial by a lay board of trustees rests on more than considerations of efficiency and expediency, since freedom is the distinguishing mark of a university in Western society. (Moos and Rourke, pp. 307-308, 309-310.)

While Beardsley Ruml advocated taking back many of the powers delegated by the board to the faculty, he too distinguished between developing programs and policies and administering them. When the board concerns itself with academic matters, the purpose should be to ask questions, seek information, and set policies, not to administer the institution.

> The informed Trustee need not be a nuisance. He should not be a gossip, nor be interested in anecdotal incidents having no significance as clinical clues to the quality of the college's operation. Above all, the informed Trustee must not consider himself a part-time administrative officer. (Ruml, p. 93.)

The 1966 Statement on Government of Colleges and Universities is quite pointed in calling for the board to observe its responsibility for policy making and establishing procedures while delegating "the conduct of administration to the administrative officers,. . . and the conduct of teaching and research to the faculty. The board should undertake appropriate self-limitation." (Statement of Government Colleges and Universities, p. 377.)

Herron scolded trustees for involving themselves in the "practical details" and failing to give attention to the broader issues of purpose and goals of the institution.

> Supposedly the board hires the president to be an executive; he is to handle the practical working out of the board's policies. But in actual fact most boards show more interest in practical details. . . than in matters of policy. Trustees seem more interested in questions of "how" than in questions of "why." They . . . have ceded to administrators by default the more basic task of determining matters of educational philosophy while retaining for themselves the lesser tasks of educational procedure. (Herron, 1969, pp. 67-68.)

One main criticism by the Byrne study of governance of the University of California was that the Board of Regents had become involved in administrative matters and were neglecting their policy making function.

> We recommend that the Regents concentrate on their legislative function and fully delegate the executive and judicial functions. . . .
>
> The Regents should clearly distinguish between matters of policy in University government and matters of operations and firmly refuse to make operational decisions on behalf of any office or official of the University. (Byrne, p. 83.)

Heilbron's admonition that one of the abuses of trusteeship is "too much engagement in administration" as quoted earlier. (See page 69.)

In summarizing its recommendations for boards in its report on GOVERNANCE OF HIGHER EDUCATION, the Carnegie Commission reiterated the oft-made distinction between the role of policy making and the role of administration.

> It is more important for the board to provide for effective governance than, as it once did, to govern: it should spend more time on governance and less time on governing than it has historically. The board should neither abdicate its responsibility to external or internal forces, nor bog itself down in the details of administration. It should not run the college, but it should assure that it is well run. (Carnegie Commission, 1973, p. 36.)

In his 1973 speech to the AGB, Corson used a cleverly turned phrase to explain how and why boards should monitor all aspects of the institution's program.

> Trustees should confine their attention to matters of policy and avoid involvement in operation. But decisions on policy cannot be made in a vacuum, nor can the trustees' responsibility for the character and quality of the institution be fulfilled by unquestioning approval of recommendations formulated by the faculty and administration. I prescribe that trustees keep their *noses in* operations that they might keep their *fingers out*. (Corson, 1973, p.8. Italics in source.)

Later in his book on governance, Corson stressed the distinction between the function of the board and the administration and the faculty.

> A board of trustees cannot and should not *run* the institution. The board's role. . . is direction, not management. That role can be fulfilled by question asking. (Corson, 1975, p. 271.)

4. *Boards should rely on the expertise of the administrators and faculty on academic matters.*

While it is universally agreed that the governing board is responsible for determining the general purposes of the institution, including defining the educational goals and approving curricula and admissions policies, it is almost as universally agreed that the board's general directions should be implemented by the administration and faculty. Harvard's President Eliot stated that position very effectively in 1908.

> The trustees formally delegate a large part of their powers of management and control to various academic bodies and officers, . . . It is the common custom for trustees to consign to faculties the determination of the requirements for admission and for the several degrees, of the methods and limits of instruction, and of the daily routine of duty for students and teachers, the administration of discipline, and the immediate supervision of the conditions of the academic life. Trustees should never interfere with matters once consigned to a faculty by statute or custom, unless in the way of inquiry or informal suggestion, or exercise any powers delegated to a faculty.
>
> . . . .
>
> An experienced board of university trustees will always maintain a considerate and even deferential attitude towards the experts whom they employ as regular teachers, occasional lecturers, and permanent administrators. They stand to these experts in an entirely different relation from that in which a business board of directors stands towards its employees. In the first place, the trustees are not themselves expert in any branch of the university teaching, and they are not experts in the policy or discipline of a university. They are completely dependent for the competent performance of the university's main work on the attainments and good will of the university teachers. (Eliot, pp. 6-7,31.)

Reflecting a faculty view of its role, the AAUP's 1920 report, while acknowledging the board's legal authority and pointing to the delegation of much of that authority to the president, complained that the faculty, who possessed the academic expertise, did not have the share of participation in governance described by Eliot.

> The large powers actually exercised by university presidents are . . . delegated to the president by the trustees, who are too busy and too inexpert in matters of higher education to exercise those powers directly with wisdom; whereas the actual teachers themselves have little or no legally recognized voice in the determination of the conditions, in the matters of fundamental university policies, academic status and salary, under which they must work.

The report recommended that the governing board delegate authority for "educational policies" to the faculty, reserving the right of consent to those policies formulated by the faculty and administration.

> The trustees should be primarily the custodians of the financial interests of the university, and as such they should have the consenting voice in the final determination of its educational policies. They should also have the right to take the initiative in matters of educational policy, by recommending for consideration by the faculty such changes thereof as they deem desirable; and they should be invited to be present and to speak, without vote, in all university faculty meetings called to discuss

> general educational policies. Their consent should be necessary to the establishment or abolition of a college, school, or department, primarily with respect to the financial costs involved; and for the same reason, to all appointments, promotions, and dismissals of members of the teaching staff. Except in financial matters, the trustees should not exercise directly the final power over educational policies and interests which, at the present time, they legally possess. (Leighton, pp. 21, 24-26.)

Suzzalo conceded that the board should "have final approval or veto on educational policies and procedures," but he argued that "the initiative in educational matters should belong to the president or faculty."

> In such educational matters as entrance, staying and graduating requirements, selection or dismissal, promotion or demotion, salary advancement or work assignment, they [the board] should be powerless to act until recommendations have been made by some authorized and trained educational specialists. (Suzzalo, p. 89.)

Fesler told a meeting of the AGB that the "proper investigation and settlement" of academic problems "rest with the President."

> . . . the President should select and recommend members of the faculty to the board. . . . Likewise the dismissal of a member of the faculty should come only through the President's recommendation. The enlargement and development of courses of instruction, the establishment of new departments and schools, matters of discipline are all problems for the President with the aid of the deans and heads of departments. There would seem to be no ground for difference of opinion in regard to this point of view. although . . . in a few instances Boards have . . . exercised their prerogative--perhaps influenced by the appointing power to the great detriment of the University. (Fesler, p. 66.)

Much of Raymond Hughes' MANUAL FOR TRUSTEES OF COLLEGES AND UNIVERSITIES deals with the appropriate functions of the board, but he attempted to distinguish those which should be board responsibilities from those which should be delegated to the administration or faculty.

> The trustees control all financial and property matters and determine general policies. The president administers the institution under policies fixed by the truseees. The faculty controls teaching and research and is responsible for academic standards. (Hughes, 1951, p. 12.)

Unlike most writers on university governance, Beardsley Ruml regarded it "particularly unfortunate" that the trustees, "who have the degree-awarding power," have generally delegated "the design and operation of the curriculum . . .

to the faculty and other academic officers."

> The . . . faculty as a body is not competent to make judgments and evaluations required to design a curriculum in liberal education. The individual members of the faculty are for the most part chosen as specialists in departmental subjects, and as a result both of knowledge and personal interest each is a special advocate, necessarily and desirably so. A collection of special advocates cannot be expected to be a repository of judicial wisdom.

Ruml's solution was that the trustees "must take back from the faculty as a body its present authority over the design and administation of the curriculum." After defending the individual professor's academic freedom, Ruml argued that neither the faculty "in the aggregate" nor departments have acadmic freedom or tenure and that the trustees have the right and responsibility to inquire into curriculum and other matters generally assumed to be the responsibility of the faculty.

> There is no reason why the administration of a college or why the Trustees . . . should not be informed on all matters of faculty or departmental jurisdiction and managment, nor why they should not intervene in situations where the academic machinery is proving inadequate to its task.
>
> Accordingly, the information required by the informed Trustee on matters of curriculum and methods of instruction does not infringe on any matters of academic privilege. (Ruml, pp. xi, 6-7, 88. Italics in Ruml.)

The report of the Committee on Government and Higher Education called upon governing boards to find "common ground with faculty members on such matters of joint responsibility as admission, curriculum, and graduation requirements." (Moos and Rourke, pp. 308-309.)

Another statement which reflects strong faculty input was the joint AAUP-AGB-ACE Statement on Government of Colleges and Universities. With separate sections on the appropriate division of responsibilities among governing board, president and faculty, it summarizes the areas that should be delegated to the expertise of the faculty.

> The faculty has primary responsibility for such fundamental areas as curricula, subject matter and methods of instruction, research, faculty status, and those aspects of student life which relate to the eudcational process. On these matters the power of review or final decision lodged in the governing board or delegated by it to the president should be exercised adversely only in exceptional circumstances, and for reasons communicated to the faculty.. . .
>
> The faculty sets the requirements for the degrees offered in course, determines when the requirements have been met, and authorizes the president and the board to grant the degrees thus achieved.
>
> Faculty status and related matters are primarily a faculty responsibility. . . . The governing board and president should, on questions of faculty status, . . . concur with faculty judgment except in rare cases and for compelling reasons which should be stated in detail. (Statement on Government of Colleges and Universities, p. 378.)

5. Scholars of university governance have some suggestions for facilitating board deliberations.

The National Commission on College and University Trustee Selection recommended that new trustees undergo a "systematic and thorough orientation program including extensive information regarding the institution's missions, plans, problems, strengths, weaknesses and future prospects." (Scott and Kohn, p. 19.) Fesler made a similar comment in his speech to the AGB in 1924, urging trustees to prepare themselves carefully for their role.

> Proper consideration of university problems requires that every members. . . be informed as fully as may be upon all phases of the questions requiring attention. This means . . . . preparation for the discharge of the duties . . . . It involves a knowledge of the history of the institution, the law under which it exists, the financial, educational and administrative problems which have arisen in the past and a clear understanding as to how they have been met. Precedent should not dictate, but precedent should at least suggest the solution. . . . In a word, the first duty of every trustee is to become acquainted with the institution in whose control and management he is to have a voice. (Fesler, p. 64.)

Charles A. Nelson suggested that boards order their agenda with "big policy issues" at the beginning of the meeting when members are still fresh and not under the pressure of adjournment, leaving more routine items for later in the meetings. He also recommended that at least once a year the board take time for a "full exploration of a major question prior to the time at which a decision is required." (Nelson, p. 12.)

Corson described the board's procedures as "monitoring" "all aspects of institutional functioning" through "the conscientious study of each matter they are asked to decide upon and the asking of considered and revealing questions."

> The asking of such questions . . . stimulates faculty and administrators to establish effective processes for the making of basic determinations within the institution. Preferably, it leads to the trustees' asking that a proposal be reconsidered rather than their substituting a decision they formulate at the moment. A board of trustees cannot and should not *run* the institution. The board's role . . . is direction, *not* management. That role can be fulfilled by question asking. (Corson, 1975, pp. 270-271. Italics in Corson.)

If the questioning results in the board's disapproval of a proposed policy,

> the bases for their objections should be openly stated and the faculty's reconsideration requested. The substitution of . . . the trustees' judgment for a faculty proposal [in matters of academic policy, research, provision of services, or personnel actions] should be infrequent. (Corson, 1975, p. 239.)

Just as Corson warned that "if lay boards are to survive they will have to . . . communicate regularly and directly (in company with the president whenever he chooses) with faculty and students" (Corson, 1973, pp. 10-11.), so did Chancellor Emeritus Gould caution that, coming as they do from outside the campus, regents "have an alien quality" which combined with their "absolute authority" can be "disquieting to students and threatening to faculty." They can "unfortunately be the focal point for controversy within the university."

> When they measure the progress of the institution on the basis of completely pragmatic elements founded in corporate experience or something similar, they create restlessness and even dissension among faculty, students, and administration. Many trustees are accustomed to assuming complete direction, since they constitute the top echelon of authority and see no reason to worry about whether their directives are generally understood and accepted. . . . Some are much too intrigued by patterns of cost analysis and other quantitative factors.

Because such insecurity and tension "is bound to retard university progress," it should be "avoided by every possible means, not the least of which is frequent and regular contact between trustees and the rest of the community." (Perkins, pp. 216, 218-219.)

In discussing board operating procedures, Gould pointed out that the quality of board decisions is dependent upon the staff work provided by the president and other administrators. However, when the trustees feel they are not getting the full story, they "must feel free to seek information from whatever sources they deem appropriate." Such searches "should be carried on with the president's full knowledge; otherwise, . . . they destroy normal channels of communications and encourage doubts about the validity of staff work." When "important policy decisions are to be presented by the board to the university community," they should be "preceded by appropriate communication and discussion with those groups affected."

> No major decision for change in policy should come as a surprise. Furthermore, such decisions should reflect not only agreement of the trustees and the administration but also the advisory judgments of others and sometimes their actual participation in the decisions. (Perkins, 221, 222-223, 225.)

The growing complexity of the decision-making in the State university led Morton Rauh to recommend that the "concept of secretary of the board ought to be scrapped in favor of secretary of the university." The secretary of the university would be charged with keeping a "comprehensive system of institutional records," recognizing the "various seats of decision making" and "recording their proceedings." (Perkins, p. 232. Italics in source.)

Hughes noted that "there are board members who are tempted to interfere in the running of the institution by suggesting appointments, dismissals and other matters to the president." He placed the responsibility for controlling "these misguided individuals" on the president of the board. (Hughes, 1951, p. 8.)

Perhaps much better is the National Commission on College and University Trustee Selection recommendation that each board adopt "a code of conduct outlining members' responsibilities" and develop "policies for dealing with members' potential conflicts of interest." (Scott and Kohn, p. 30.)

SUMMARY

The findings about governing boards vary widely, and there are a few unanimous opinions regarding them. However, it is possible to draw some conclusions on which there is substantial consensus. Those conclusions are reported in Chapter I. (See pages 2-6.)

CHAPTER III

CONSTITUTIONAL AND STATUTORY PROVISIONS FOR THE BOARD OF REGENTS

A. AMERICAN PUBLIC UNIVERSITIES AND COLLEGES ARE GOVERNED BY EXTERNAL LAY BOARDS.

In a very scholarly investigation of the "Evolution of American Academic Government," W. H. Cowley, long-time professor of higher education at Stanford, dispelled the notion that the lay board governing colleges and universities was an American invention. He traced it back to municipal committees overseeing the University of Bologna in the fourteenth century, the papal controls over the University of Paris in the thirteenth century, and the curators appointed by the ministries of education in the German states in the nineteenth century. In each case as well as in the British universities other than Oxford and Cambridge (and even they were reformed by royal commissions in 1850 and 1871), the "free republic of scholars," according to Cowley, was a myth.

> Indeed, the control of several European institutions of higher education had fallen to lay boards of trustees long before the emergence of the first colleges along the east coast of colonial America. (Cowley, p. 29. See also pp. 9-28.)

Cowley claims that the founders of Harvard and William Mary, the first two American colleges, adopted their governmental methods from the Calvinistic University of Leyden or Trinity College of Dublin, which was founded in 1593 by the Puritans who did not separate from the Church of England (Cowley, p. 37). This governance system had dual boards, one lay and external, one academic and internal.

The American system of university governance by legally-constituted lay boards had its genesis in the external unicameral board which was authorized by the General Court of Connecticut to found what was to become Yale College. The evangelistic zeal of Congregational conservatives resulted in a board of "right-minded" clergy to make certain that Yale would not drift toward

Harvard's liberal theology. Yale's external lay board was to become the pattern by which American college and university governance was to be cut.

When public universities began to appear, they too followed the pattern of control by lay boards. A survey of the land-grant college and universities done in the late 1920s, under the auspices of the U.S. Office of Education, reported that all the States had "vested general authority over the land-grant colleges in the governing boards."

> Vested with powers by law over the custody of public properties, over the management of public educational institutions . . . it exercises a trusteeship of large responsibilities. In these capacities the governing board is accountable to the State and to its people (Klein, p. 52).

The powers granted to these boards are broad, including legislative, administrative, executive, and supervisory functions.

> Whether specifically stated or implied in the laws, the governing boards have jurisdiction over the administrative and business procedures: the election of a president, the employment and discharge of teachers, officers, and employees; the prescribing of courses of instruction; the fixing of entrance requirements of students: the determining and conferring of appropriate degrees; and the making of rules for the conduct of the students (Klein, p. 52).

B. THE UNIVERSITY OF HAWAII AND ITS GOVERNING BOARD WERE CREATED BY STATUTE, NOT BY CONSTITUTIONAL PROVISION.

When the Territorial Legislature of Hawaii of 1907 passed Act 24, the primary statement was the creation of a governing board, with the college itself left almost as an afterthought.

> Section 1. The Governor shall nominate and by and with the advice and consent of the Senate shall appoint five persons who shall constitute the Board of Regents of the College of Agriculture and Mechanic Arts of the Territory of Hawaii, which is hereby established.
>
> Section 2. The persons appointed in accordance with Section 1 of this Act shall be residents of the Territory of Hawaii and not less than 25 years of age. One member of the Board of Regents shall be appointed for the term of one year, two for two years and two for three years and their successors shall thereafter be appointed for the term of four years.

> Section 3. The Board of Regents shall have the general management and control of the affairs of the College. They shall have power to purchase or otherwise acquire lands, buildings, appliances and other property for the purpose of the college, and expend such sums of money as may be from time to time placed at the disposal of the college from whatever source. All lands, buildings, appliances and other property purchased or acquired shall be and remain the property of the Territory of Hawaii to be used in perpetuity for the benefit of the college.

The total act took up less than three pages in the session laws of 1907. (Laws of the Territory of Hawaii Passed by the Legislature at its Regular Session, 1907, Act 24, pp. 26-28. The title of laws passed by the Legislature will thereafter be referred to as Session Laws of the respective legislative year.)

C. THE 1959 STATE CONSTITUTION PROVIDED THE FIRST CONSTITUTIONAL BASIS FOR THE UNIVERSITY.

The first constitutional reference to the University or the Board of Regents occurred in the 1959 State Constitution. Two brief sections in the chapter on education provided the constitutional basis for the University and the Board. The section on the Board did not specify any number of members nor length of term. No specific representation for the separate islands or counties was required. The President and the Superintendent of Public Instruction were designated as voting ex officio members. And for the first time, the Board was given the explicit power to appoint the president (Constitution of the State of Hawaii, Article IX, Sections 4 and 5).

> Section 4. The University of Hawaii is hereby established as the state university and constituted a body corporate. It shall have title to all real and personal property now or hereafter set aside or conveyed to it, which shall be held in public trust for its purposes, to be administered and disposed of according to law.
>
> Section 5. There shall be a board of regents of the University of Hawaii, the members of which shall be nominated and, by and with the advice and consent of the senate, appointed by the governor. At least part of the membership of the board shall represent geographic subdivisions of the State. The president of the university and the superintendent of public instruction shall be ex officio voting members of the board.

> The board shall have power, in accordance with law, to formulate policy, and to exercise control over the university through its executive officer, the president of the university, who shall be appointed by the board.

D. THE INSTITUTION'S NAME HAS BEEN CHANGED TWICE.

In 1911 the Legislature completely re-wrote the charter, changing the name of the College of Agriculture and Mechanic Arts of the Territory of Hawaii to the College of Hawaii (Revised Laws of Hawaii, 1915, Title VI, College of Agriculture and Mechanic Arts, Chapter 28, Section 330.) Again in 1919, the charter was re-written, changing the institution's name to the University of Hawaii.

> Sec. 400. Establishment. There is hereby established a University of Hawaii which shall consist of the college of agriculture or mechanic arts heretofore known and designated as the college of Hawaii, hereafter to be designated as the college of applied science, a college of arts and sciences and such other departments as may from time to time be established. (Revised Laws of Hawaii, 1925, Chapter 33, Section 400.)

E. MEMBERSHIP AND TERMS OF OFFICE HAVE BEEN CHANGED OVER THE YEARS.

1. The number of Regents has varied from five to eleven, sometimes including ex officio members.

The original number of Regents was increased from five to seven in 1919 with the addition of two ex officio members, the president of the University and the president of the Board of Agriculture and Forestry. (RLH, 1925, Chapter 33, Chapter 401.) In 1935 the Legislature changed the ex officio provisions, dropping the "presidents of the board of commissioners of agriculture and forestry" and substituting "the superintendent of public instruction or some other member of the board of commissioners of public instruction as may be designated by the governor." The 194? Legislature increased the number of Regents to nine, eight appointed by the governor and the Superintendent of Public Instruction ex officio. The law specified that the "president of the university shall act as the executive officer of the board, but shall not be appointed to or act as a member thereof." Two years later the Legislature once more specified that the University President would be an ex officio member of the Board, keeping the total number at nine. Reference to ex officio members was deleted in 1957, making all nine Regents appointive. (Session Laws, 1935, Act 72; 1941, Act 196; 1943, Act 133; 1957, Act 89.)

Although the State Constitution did not specify the number of Regents, it did specify that the president of the University and the Superintendent of Public Instruction would be ex officio voting members (Constitution of the State of Hawaii, Article IX, Section 5.)

When the Special Session of the Legislature met in 1959 to implement the provisions of the new Constitution, it increased the number of Regents to eleven (Session Laws, Second Special Session, 1959, Act 1, Section 5.)

A constitutional amendment initiated by the Legislature in 1964 and approved by the electorate in November 1964 removed the provision for the ex officio members. The Hawaii Revised Statutes, 1968, state that the Board "shall consist of nine members" (HRS, 1968, Chapter 26, Section 11.)

In 1971, the Legislature increased the number of board members to eleven (Session Laws, 1971, Act 143.) There have been no changes in the number of Board members since 1971, now have there been any further references to ex officio members.

2. Special qualifications for Regents have changed from time to time.

Act 24 which set up the Board of Regents in 1907 specified that the Regents be residents of the Territory of Hawaii and not less than 25 years of age. (Session Laws, 1907, Act 24.) The 1911 revision omitted the reference to age. (RLH, 1915, Chapter 28.) In 1943, the Legislature required a geographical balance among Regents, specifying that "one shall be a resident of the county of Hawaii, one, a resident of the county of Maui, and one, a resident of the county of Kauai." There was no requirement that any of the nine Regents be a resident of Oahu. The same act also required that "at least one member shall be a graduate of the university." (Session Laws, 1943, Act 133.) The 1959 Constitution specified representation only in general terms: "At least part of the membership of the board shall represent geographic subdivisions of the State." (Constitution of the State of Hawaii, Article IX, Section 5.) The Act which implemented the Constitution specified that there be one member from each senatorial district and three at large. It also required that of the total of eleven members,

> No more than six members shall be members of the same political party and at least five of the members shall be former students of the University of Hawaii. (Session Laws, Second Special Session, 1959, Act 1, Section 17.)

In 1971, the Legislature deleted the requirement that one Regent should come from each senatorial district, substituting the Constitutional wording that "at least part of the membership of the board shall represent geographic subdivisions of the State." (Session Laws, 1971, Act 143.) It also eliminated any requirement that some Regents had to be former students of the University.

There have been no changes since 1971 in the requirements for Regents.

3. The term of office has varied from two to six years, always with overlapping terms.

The original board was set up in 1907 with overlapping terms, so that one member would serve for one year, two for two years, and two for three years, with their successors appointed for terms of four years. (Session Laws, 1907. Act 24. Section 2.) In 1911, the term was lengthened to five years. (RHL, 1915, Title VI, Chapter 28, Section 331.) In 1943, the term was shortened to four years, but in 1957, it was lengthened to six years. (Session Laws, 1943, Act 133, Section 1942; 1956, Act 89.)

The Constitution made no reference to the length of term for Regents, and when the Legislature implemented the new Constitution, the law which dealt with all boards and commissions limited all members to no more than two consecutive terms of four years.

> Section 5. Selection and terms of members of boards and commissions. The members of each board and commission established by law shall be nominated and, by and with the advice and consent of the senate, appointed by the governor. Unless otherwise provided by this act or by law hereafter enacted, the terms of such members shall be for four years; provided, that the governor may reduce the terms of those initially appointed so as to provide, as nearly as can be, for the expiration of an equal number of terms at intervals of one year for each board and commission. Each term shall commence on January 1 and expire on December 31. After the effective date of this Act, no person shall be appointed consecutively to more than two terms as a member of the same board or commission; provided, that membership on any board or commission shall not exceed eight consecutive years.
>
> A vacancy occurring in the membership of any board or commission during the term shall be filled for the unexpired term thereof, subject to the provisions of Article IV, Section 6 of the constitution of the state of Hawaii.

These 1951 provisions remain in effect except that the 1971 Legislature amended them to provide that terms of two Regents should be for two years, thus giving the University of Hawaii the distinction of having some of its governing board serving for shorter terms than any other State university or college in the nation. (Session Laws, 1971, Act 143.)

4. The Board is required to have a chairman, vice-chairman and secretary.

The 1943 Legislature required the Board to "elect a chairman, vice-chairman, and secretary (who shall not be a member of the board)" on July 1 to serve for a term of one year. (Session Laws, 1943, Act 133, Section 2.) In 1978, the office of secretary was made appointive (Session Laws, 1978, Act 17.)

Since 1941, the President of the University has been designated as "the executive officer of the board." (Session Laws, 1941, Act 196, Section 1.)

5. Regents are non-compensated.

Regents have apparently never been compensated for their duties. Not until 1943, however, was that made explicit in the laws.

> The members of the board shall serve without pay but shall be entitled to their travelling expenses within the Territory when attending meetings of the board or when actually engaged in business relating to the work of the board. (Session Laws, 1943, Act 133, Section 4.)

6. The Board must meet ten times a year and may meet on neighbor islands.

Although in 1943, the Board was required to meet at least monthly, it is now required to meet ten times a year and "may from time to time meet in each of the counties of Hawaii, Maui, and Kauai." (Session Laws, 1943, Act 133, Section 3.)

7. The Governor may remove or suspend a Regent for cause.

The 1943 Legislature gave the Governor the authority to remove a Regent from office "in the manner prescribed by section 80 of the Organic Act." (Session Laws, 1943, Act 196, Section 1.) The present law covering all boards and commissions reads: "The governor may remove or suspend for cause any member of any board or commission after due notice and public hearing." (HRS, 1976 Replacement, Section 26-34.)

F. ALTHOUGH THE POWERS OF THE BOARD HAVE BEEN MORE SPECIFICALLY DEFINED OVER THE YEARS, THERE STILL REMAIN SOME STRANGE AMBIGUITIES.

1. The Board is defined as an executive board with exclusive jurisdiction over the management of the University.

Since Statehood, the Board of Regents has been described in the statutes as an "executive board." (Session Laws, Second Special Session, 1959, Act 1, Section 17.) It is hard to see how a board of eleven members can act in an "executive" fashion, so perhaps the reference is intended to make clear that the Board is part of the "executive" branch of government, responsible to the Governor, rather than being an independent or autonomous board. If this is the intent of the reference, then Hawaii is certainly not in accord with the virtually unanimous recommendation of authorities on university governance, who stress the importance of the independence of the university and its governing boards from political pressure.

The 1978 Constitutional Convention amended the section on the Regents to give them "exclusive jurisdiction over the internal organization and management of the university." (State Constitution, Article X, Section 6.) While this statement has been incorporated into the statutes (Hawaii Revised Statutes, 1980 Supplement, Section 26-11), the Regents' powers are far from "exclusive." The Legislature directs the University through funding, committee reports, and resolutions. Various executive agencies have tremendous influence over appointments, personnel, capital development, even curriculum. Included among those departments which directly affect University activities and programs are the Attorney General, Accounting and General Services, Budget and Finance, Education, Health, Labor and Industrial Relations, and Personnel Services.

2. The earliest powers granted specifically to the Board dealt with property and money.

Act 24 had a very brief delineation of Board authority, stating only that the Board had the power to acquire property and expend money. (See page 90 for the wording in Section 3.) In 1909 the Legislature amended Section 3 to give Regents the "power to appoint a treasurer and other such officers as they deem necessary, and to require them to give bonds in such amounts as they may prescribe and in the form prescribed by law for bonds for public officers" (Session Laws, 1909, Act 127, Section 1). The 1911 Legislature added a paragraph authorizing the Regents to accept Federal funds and the conditions under which those funds were appropriated.

> The grants of moneys and the purposes of said grants authorized by the acts of congress, approved March 2, 1887, August 30, 1890, and March 16, 1906, respectively, known as the Hatch act, the second Morrill act, and the Adams act, respectively, providing for agriculture and mechanic arts, and by any other act or acts of congress for similar purposes are hereby assented to (RLH, 1915, Chapter 28.)

The power to receive and manage gifts to the University was granted to the Board in 1925, but all income derived from those gifts was to be paid into the Territorial treasury.

> Section 1. The board of regents of the University of Hawaii is hereby authorized and empowered to receive, manage, and/or invest monies and other property, real, personal, or mixed, which may be given, bequeathed, devised, or in any manner received from sources other than the Legislature of the Territory of Hawaii or any federal appropriation for the purpose of the university, its improvement or adornment, or the aid or advantage of students or faculty, or in general, to act as trustee on behalf of the University for any or said purposes or objects.
>
> Section 2. All income and profits received by the board of regents in Section 1 provided, shall be paid into the territorial treasury, and is hereby appropriated for the uses and purposes specified in Section 1.
>
> Section 3. The board of regents shall cause to be kept suitable books of accounts wherein shall be recorded each gift, the essential facts of the management thereof, and the expenditure of the income, and a statement of all trust funds shall be included in the annual report to the governor (Session Laws, 1925, Act 128.)

In 1932, the Regents were directed to charge a tuition fee.

> The board is directed to charge, in addition to the usual maintenance fees, a tuition fee of one hundred dollars a year. The board shall, however, have the power within its discretion, to waive entirely or to reduce such tuition fee in cases of students upon whom the payment of such a fee would work an undue hardship. (RLH, 1935, Chapter 23, Section 822.)

The 1959 State Constitution was the first explicit statement of the Board's power to appoint the president. The Constitutional provision for the Board's powers is very general, authorizing them to formulate policy and to exercise control over the University. (See page 74, Section 5, for wording.)

G. CURRENT CONSTITUTIONAL AND STATUTORY PROVISIONS ARE STILL RELATIVELY GENERAL.

The Consitutional provisions are contained in the chapter on Education.

Section 5. The University of Hawaii is hereby established as the state university and constituted a body corporate. It shall have title to all the real and personal property now or hereafter set aside or conveyed to it, which shall be held in public trust for its purposes, to be administered and disposed of as provided by law.

Section 6. There shall be a board of regents of the University of Hawaii, the members of which shall be nominated and, by and with the advice and consent of the senate, appointed by the governor. At least part of the membership of the board shall represent geographic subdivisions of the State. The board shall have the power, as provided by law, to formulate policy, and to exercise control over the university through its executive officer, the president of the university, who shall be appointed by the board; except that the board shall have exclusive jurisdiction over the internal organization and management of the university. This section shall not limit the power of the legislature to enact laws of statewide concern. (State Constitution, Article X, Section 5 and 6).

The statutory provisions are as follows:

§304-1 Establishment; available to all. There shall be a University of Hawaii which shall consist of such colleges and departments as may from time to time be established.

No person shall, because of race, color, religion, sex, national origin, or a physical handicap, be deprived of the privileges of this institution. As used in this section "physical handicap" means a physical impairment which substantially limits one or more of a person's major life activities.

§304-2 University to be public corporation; general powers. The University of Hawaii is established as the state university and constituted a body corporate. The university, under the direction of the board of regents, shall have the following general powers:

(1) To adopt, amend, and repeal bylaws governing the conduct of its business and the performance of the powers and duties granted to or imposed upon it by law.

(2) To acquire in any lawful manner any property, real, personal, or mixed, tangible or intangible, or any interest therein; to hold, maintain, use and operate the same; and to sell, lease, or otherwise dispose of the same at such time, in such manner, and to the extent deemed necessary or appropriate to carry out its purposes.

(3) To enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of its business and on such terms as it may deem appropriate, with any agency or instrumentality of the United States, or with any state, territory, or possession, or with any political subdivision thereof, or with any person, firm, association, or corporation.

(4) To determine the character of and the necessity of its obligations and expenditures, and the manner in which they shall be incurred, allowed, and paid, subject to provisions of law specifically applicable to the university.

(5) To execute, in accordance with its bylaws, all instruments necessary or appropriate in the exercise of any of its powers.

(6) To take such actions as may be necessary or appropriate to carry out the powers conferred upon it by law.

§26-11 University of Hawaii. The University of Hawaii shall be headed by an executive board to be known as the board of regents.

The board of regents shall appoint and may remove an executive officer to be known as the president of the University of Hawaii.

The board shall consist of eleven members. No more than six of the members shall be members of the same political party and at least part of the membership of the board shall represent geographic subdivisions of the State.

The board shall have power, in accordance with the Constitution of the State and with law, to formulate policy, and to exercise control over the university through its executive officer, the president of the university. The board shall have exclusive jurisdiction over the internal organization and management of the university.

The University of Hawaii as heretofore constituted as a body corporate is continued as the University of Hawaii established by this chapter.

§26-34 Selection and terms of members of boards and commissions. The members of each board and commission established by law shall be nominated and, by and with the advice and consent of the senate, appointed by the governor. Unless otherwise provided by this chapter or by law hereafter enacted, the terms of such members shall be for four years; provided, that the governor may reduce the terms of those initially appointed so as to provide, as nearly as can be, for the expiration of an equal number of terms at intervals of one year for each board and commission; and provided further that the terms of two of the members of the board of regents of the University of Hawaii shall be for two years. Each term shall commence on January 1 and expire on December 31. After November 25, 1959, no person shall be appointed consecutively to more than two terms as a member of the same board or commission; provided, that membership on any board or commission shall not exceed eight consecutive years.

A vacancy occurring in the membership of any board or commission during a term shall be filled for the unexpired term thereof, subject to article IV, section 6 of the Constitution of the State.

The governor may remove or suspend for cause any member of any board or commission after due notice and public hearing.

§304-3 Regents; appointment; tenure; qualifications; meetings. The affairs of the university shall be under the general management and control of the board of regents consisting of eleven members who shall be appointed and may be removed by the governor. Except as otherwise provided by statute, state officers shall be eligible to appointment and membership. Every member may serve beyond the expiration date of his term of appointment until his successor has been appointed and has qualified. The board shall at its first meeting after June 30, elect a chairman and vice-chairman, who shall serve until adjournment of its first meeting after June 30 of the next year or thereafter until their successors are appointed and have qualified and whose election shall be immediately certified by the board to the lieutenant governor. The board shall appoint a secretary, who shall not be a member of the board. The president of the university shall act as executive officer of the board. The board shall meet not less often than ten times annually, and may from time to time meet in each of the counties of Hawaii, Maui, and Kauai.

The members of the board shall serve without pay but shall be entitled to their traveling expenses within the State when attending meetings of the board or when actually engaged in business relating to the work of the board.

§304-4 Powers of regents; official name. The board of regents shall have management and control of the general affairs, and exclusive jurisdiction over the internal organization and management, of the university. It may appoint a treasurer and such other officers as it deems necessary. It may authorize any officer elected or appointed by it to approve and sign on its behalf any voucher or other document which the board may approve and sign. It may purchase or otherwise acquire lands, buildings, appliances, and other property for the purposes of the university and expend such sums of money as may be from time to time placed at the disposal of the university from whatever source. All lands, buildings, appliances, and other property so purchased or acquired shall be and remain the property of the university to be used in perpetuity for the benefit of the university.

> The board may charge a resident tuition fee for regular courses of instruction at any University of Hawaii campus, including any community college; provided that the tuition fee for nonresident students, both undergraduate and graduate, shall be not less than two times the tuition fee for resident students, but in no event less than two times the undergraduate tuition fee for resident students at the Manoa Campus. The board may also charge other fees for special programs of instruction, as well as laboratory fees or course fees or fees for student activities, each of which shall be the same for resident and nonresident students. The board may charge other fees for summer session or evening courses, including differential fees for nonresident students . . . The board may waive entirely or reduce the tuition fee or any of the other fees for any students, resident or nonresident, who are well qualified or in need of financial assistance, not exceeding 600 in number, which shall be counted as part of the quota of financial aids allocable to the baccalaureate campuses in the system. The board may enter into agreements with government and university officials of any other state or foreign country to provide for reciprocal waiver of the nonresident tuition differential.
>
> The board shall adopt the necessary rules and regulations defining residence for tuition purposes herein; provided that the basic rule shall be that adult and minor students are resident students if the adults students, or in the case of minor students their parents or guardians, have been bona fide residents of this State for at least twelve consecutive months next preceding their first registration at the University.
>
> The official name of the board shall be Board of Regents, University of Hawaii, and the board shall adopt and use a common seal by which all official acts shall be authenticated. (Hawaii Revised Statutes, 1976 Replacement, Section 26-34, Sections 304-1, 304-2. Hawaii Revised Statutes, 1980 Supplement, Section 26-11, Sections 304-3, 304-4.)

The Hawaii Constitutional and statutory provisions affecting the BOR are compared with the national norms in Chapter I. (See pages 6-8.)

CHAPTER IV
COMPOSITION OF THE UNIVERSITY OF HAWAII BOARD OF REGENTS

Since the founding of the University of Hawaii in 1907, there have been 112 Regents on the Board. Others have been nominated but did not serve as a regent. A one-sentence summary of the characteristics of Board members would not be greatly different from those which have described boards governing other public universities throughout the nation. The UH Regents have been predominantly well-educated, Caucasian business and professional men in their fifties. However, there have been some interesting departures from that national generalization as well as some concerns about balance in a State known for its multi-ethnic, culturally pluralistic population. Some of these concerns are worthy of being considered in nominating and confirming future members of the Board.

Data for this chapter were collected first from printed sources: PROMINENT MEN OF HAWAII (1913), BUILDERS OF HAWAII (1925), MEN OF HAWAII (1917 and 1935), MEN AND WOMEN OF HAWAII (1954, 1966, and 1972); newspaper articles and obituaries; U.H. catalogs and KA PALAPALA yearbooks; annual reports of the Territorial Governor to the Secretary of the Interior; THRUM'S ANNUAL; and the HONOLULU CITY DIRECTORY. Some information was gleaned from the files at the State Archives and the University Archives and from persons acquainted with former Regents.

Since some of the information from printed sources was incomplete and perhaps some inaccurate, corroboration was sought through a questionnaire mailed in Febuary 1982, to current and living ex-Regents. Each questionnaire was accompanied by an individually typed cover letter explaining the purpose of the study and a stamped, addressed return envelope. The researcher added hand-written notes to many of the letters addressed to Regents he knew personally. In May, follow-up letters were sent to the 36 who had not replied, again enclosing the questionnaire and a stamped, addressed return envelope. Phone calls were made to several who did not respond to either letter, and current Regents were all contacted personally at Board or Board committee meetings. Responses were quite gratifying. Of the 36 living ex-Regents appointed before 1970, only six (17%) failed to respond, including E. P. Lydgate, a stroke patient too ill to reply. Of the 18 living ex-Regents appointed since 1971, six (33%) have not replied. Of the ten current Regents, four (40%) did not respond prior to completion of this study, although all were contacted personally at least three months earlier and agreed to respond. (See Appendix A)

Perhaps the lower response rate of recent ex-Regents and current Board members is an indication of the level of distrust that exists between the Board and the faculty, since the request for the information comes from a professor. Earlier Regents did not experience the degree of adversarial conflict as has the Board since the advent of collective bargaining and the pressures resulting from financial difficulties. Perhaps confrontation with faculty members has made latter-day Regents wary of responding to queries which might somehow be used against them.

OVER 91% OF THE REGENTS HAVE BEEN MALES.

Of the 112 Regents, only ten (fewer than nine percent) have been women. The first woman on the Board was Jennie Robertson Ashford, who served from 1914 to 1920. She was the wife of Judge Clarence Ashford, but also had a career in her own right, being a teacher and principal at Punahou Schools. A native of California, she was a graduate of San Jose State Normal School.

The first Hawaii-born woman to serve on the Board was Mary Dillingham Frear. Daughter of Benjamin Dillingham and wife of Walter Frear, who was a lawyer and judge and Territorial Governor from 1908-1913, Mrs. Frear was a graduate of Wellesley College and served on the Board for 23 years (1920 to 1943).

In 1941 for the first time, there were two women on the Board. Mrs. Frear was joined by Ruth E. Black, wife of contractor E. E. Black. A teacher who was graduated from Colorado Teachers College with a B. Ed. degree, Mrs. Black was very active in the Republican Party.

In 1943, the Legislature re-defined the qualifications for Regents, specifying that one of the seven appointed members should be from Hawaii County, one from Maui, and one from Kauai. The appointed members of the Board were all changed that year, and when the two women Regents left the Board, only one, Willowdean Handy, was appointed. A divorcee who had taken graduate courses at Radcliffe and the Bank Street College for Teachers after her graduation from the University of Chicago, Mrs. Handy was an ethnologist and author. Those who recall her service on the Board describe her as a scholar and scientist. After her term expired in 1948, there were no more women on the Board until 1971.

The first non-Caucasian woman on the Board was Patsy K. Young, whose maiden name was Miyahira. Wife of a captain in the Honolulu Fire Department, Mrs. Young was active in politics and later was elected to the State Senate. At the time of her appointment, she had not graduated from the University and was apparently the first Regent to attend classes as a student during her one year on the Board. She was not appointed as a student, however, and she was described in the news accounts at the time of her appointment as a teacher and housewife.

From 1972 to 1981 there were two, three, or four women on the Board at the same time. Harriet Mizuguchi served from 1972 to 1981, Sandra Ebesu 1974 to 1976, Ruth Oshiro 1974 to 1981, and Anna Chung from 1975 to 1979. Mrs. Mizuguchi is a businesswoman, attended Michigan State University after graduation from the University of Hawaii, and is married to State Senator Norman Mizuguchi. Miss Ebesu was the first woman appointed to the Board in her role as a graduate student. Mrs. Oshiro is a realtor and wife of lawyer and political leader Robert C. Oshiro. Dr. Chung is an optometrist, who earned her O.D. at Penn State after graduation from the U.H. Both Mizuguchi and Oshiro chaired the Board, the only women to hold that office.

With the expiration of the terms of Mizuguchi and Oshiro, only one woman was named to succeed them, Dr. Julia Frohlich.

Clearly women have been very much under-represented on the Board and continue to be.

A HIGHLY DISPROPORTIONATE NUMBER OF REGENTS HAVE BEEN CAUCASIAN.

The ethnicity of current and living ex-Regents has been categorized as they reported themselves on the questionnaire sent to them. Deceased Regents are categorized according to their surname and birthplace. For example, those with names of European derivation who were born in one of the mainland States, Canada, or England are considered Caucasian. Those with Japanese, Chinese, or Korean surnames and born in Hawaii are considered as in those national groups. Those with Hawaiian surnames or who were reported in news accounts as part-Hawaiian are categorized as part-Hawaiian. For example, although Reverend Akaiko Akana was reported in the papers as Chinese-Hawaiian, he is categorized in this survey as part-Hawaiian, not Chinese.

In all, ethnicity has been determined for all but seven of the 112 Regents, some of whom might be of part-Hawaiian or part-Oriental ancestry in spite of their Caucasian names. In case of each of those seven, they were born in Hawaii or else their birthplace was not available for purposes of this study. For the record, the names of those whose ethnicity has not been determined are Morris Bissell (1909), Arthur Wilder (1910), Alatau L. C. Atkinson (1920-1925), Bruce Cartwright (1932), Samuel Castle (1940-1943), Douglas Bond (1942-1943), and E. P. Lydgate (1945-1946). It is likely that most, if not all, were Caucasians.

If the Regents are categorized by surnames, only nineteen have had Japanese surnames including Patsy Young, who had a Japanese maiden name. Seven had Chinese or Korean surnames, and four Hawaiian surnames. Thus about 75% of the Regents have had surnames of Western European derivation, although not until 1960 did Caucasians make-up as much as 30% of the population of Hawaii. This imbalance has been somewhat compensated for since 1961, with the appointment of sixteen Regents with Japanese surnames, including Patsy Miyahira Young.

The first Regent whose ethnicity can be identified as non-Caucasian was Reverend Akaiko Akana, who was Chinese-Hawaiian and served from 1921 to 1933. Other part-Hawaiians include George Ii Brown (1925-1933), Carl A. Farden (1933-1943), Herbert K. Keppler (1938-1943), Robert L. Hind, Jr. (1961-1968), George McPherson (1963-1968), Patrick M. Cockett (1968-1971), Gerard Jervis (1979-1982), and Ambrose Rosehill (1975-   ). Regents with Hawaiian names were Akana, Lloyd C. Kaapana (1957-1958), Reverend Abraham K. Akaka (1961-1963), and Monseignor Charles A. Kekumano (1963-1970). Thus at least twelve Regents have been of part-Hawaiian ancestry. Assuming that all those whose ancestry cannot be determined are Caucasian, which is probable, only eleven percent of the Regents have been of part-Hawaiian ancestry. This is a slight under-representation, since the proportion of Hawaiians and part-Hawaiians has ranged from 20% in 1910 to 14% in 1930, and has hovered around 17% most of the century.

The first Regent of Chinese ancestry apart from Reverend Akana was Dr. Fred K. Lam (1943-1961). He was joined by Hung Wai Ching (1953-1961) to give the Board two Chinese Regents. The first Japanese Regent was Dr. Katsuyuki Izumi (1946-1961). His term of service overlapped those of Jack Mizuha (1953-1958) and Ronald Toyofuku (1959-1961)

Beginning in 1961, the imbalance favoring Caucasians began to be somewhat corrected. Of the nine new Regents appointed in 1961, only Cornuelle, Hughes, and Lewis were Caucasian. Akaka and Hind were part-Hawaiian; Okumoto and Shinsato, Japanese; Pang, Chinese; and You, Korean. According to Andrew Lind, the racial composition of the State of Hawaii in 1960 was Hawaiian and part-Hawaiian 16%, Caucasian 32%, Chinese 6%, Japanese 32%, Korean about 1%, Filipino, 11%, and others about 3%. (Andrew W. Lind, HAWAII'S PEOPLE (fourth edition), University Press of Hawaii, 1980, p. 34.)

In 1974-75, the Board included six Regents of Japanese ancestry: Ebesu, Fujiyama, Mizuguchi, Oshiro, Sasaki, and Shibano. Due to unfilled vacancies, there were only nine Regents active at that time. At the beginning of 1981, the Board was made up of seven Regents of Japanese ancestry: Fujimoto, Fujiyama, Mizuguchi, Mukai, Oshiro, Sasaki, and Shibano plus Carlson, Jervis, Moriarty, and Rosehill. By mid-1982, all of them were off the Board except Fujimoto, Mukai, and Rosehill, leaving the Board with four Japanese, four Caucasians, one part-Hawaiian, and one Filipino, with one seat vacant. As a comparison, the ethnic breakdown of the 1980 population of the State was: Caucasians 26.3%; Japanese 23.5%; Hawaiians and part-Hawaiians 18.9%; Filipinos 11.2%; Chinese 5.1%; and Korean, blacks, and Samoans about 1% each. The rest were "other" and "mixed non-Hawaiians." (Hawaii State Department of Health, POPULATION REPORT, October 1981, p. 6.)

Other ethnic groups which have been identifiable are part-American Indian Burl Yarberry, Portuguese-Hawaiian Gerard Jervis, and Filipino

Gregory Dela Cruz. John Farias describes himself as Portuguese-Filipino-Puerto Rican.

Over the past twenty years, there seems to have been a serious attempt to utilize the full range of Hawaii's multi-ethnic population in the Board of Regents. Caucasians and Japanese are still somewhat over-represented, but not in the disproportion represented by Caucasians in earlier decades.

Also very clearly, the U.H. Board has had far more non-Caucasian representation than boards governing State universities on the mainland, where Gomberg and Atelsek found nearly 90% of boards governing multi-campus public universities were white. (See pages 48-49.) On the other hand, Hawaii has a far greater proportion of non-Caucasians than the rest of the nation.

UH REGENTS HAVE BEEN SOMEWHAT YOUNGER THAN MAINLAND COUNTERPARTS.

Many studies done of boards governing public colleges and universities have been critical of the advanced age of too many board members and of the under-representation of an age group closer to that which is the conventional college-going age range. In his 1926 study, George Counts found the age range to extend from early thirties to past seventy-five, with fifty-four as a median. Howard Beck's 1934-35 study reported only 32% under fifty and 13% over seventy, with fifty-six as the median. Gomberg and Atelsek, in 1977, found that 42% of the regents were under fifty and 5.6% were over seventy. (See pages 45 to 48.)

This study has determined the age at the time of their appointment for all but six of the 112 Regents. (Actually, the age may be off up to a year, since only age, not birthdate, at time of appointment was reported for some, and the time lapse between time of nomination or confirmation and entering upon board duties was sometimes several months.) Many of the UH Regents were in their 30's and 40's at the time of their appointment, and only two were seventy. The mean and median of those serving at the beginning of each decade has fluctuated somewhat, but has remained lower than indicated by most national studies.

The oldest appointees, to the Board were Emeritus Professor Arthur Andrews (1941-1943) and Charles A. Harker (1964-1968), who were seventy. The next oldest was Herbert Gregory (1937-1943), who was sixty-eight. No others were named who were older than sixty-three. The only ones to serve on the Board beyond the age of seventy were Gregory and Harker, who served to the age of 74; Andrews who reached 72, Mary Dillingham Frear (1920-1943), who was 73 at the end of her twenty-three years on the Board; and Philip Spalding (1943-1961), who was 72 when he left the Board. Only eleven Regents served beyond the age of sixty-five.

During the height of student activism, there were demands for inclusion of students on the Board. In 1971, the Legislature compromised by specifying that two members of the Board would be appointed for two year terms, anticipating those appointments would go to students or other young persons. The first of those young persons was a recent graduate, Brian Sakamaki (1971-1974), who was only 26 at the time of his appointment. Other young Regents have been Bradley Mossman (1977-1979), 21 at the time of appointment; Sandra Ebesu (1974-1976), 22; Timothy Farr (1981-1982), 24; Scott Leithead (1975-1979), 25; and Michael Moriarty (1979-1981), 27. Thus, the UH has had at least six Regents younger than thirty at the time of their appointment, about 5% of the total of 112 who have served.

At time of their appointment, the five original Regents plus Ralph Hosmer, who replaced short-termer C. F. Eckart in 1907, had a mean age of 40 and a median of 39. The oldest was Henry E. Cooper, 50. Eckart was 32, Hosmer, 33.

TABLE I

AGE OF REGENTS

YEAR	RANGE	MEAN AGE	MEDIAN AGE
1907	32-50	41.3	39
1910	38-53	39.8	37
1920	38-60	48.5	49
1930	41-66	50.7	48
1940	37-71	54.1	5[illegible]
1950	42-61	52.5	55
1960	48-72	58.0	58
1970	35-65	50.8	49
1980	28-64	46.2	50

Some of the Regents who were known as being among the most effective leaders on the Board were quite young at the time of their appointment. Charles Hemenway was only 35 when he started the first of his thirty years on the Board. Henry Cooper, the first chairman of the Board, was 50. Wallace R. Farrington was 43. Alonzo Gartley, 38. Carl Farden, 32. Herbert Cornuelle, 40. Edward H. Nakamura, 42. Herbert Monte Richards, 38. They seem to prove the argument of Raymond Hughes that the "board should be young enough to sense the needs of the people they represent and guide the changing institutions to their largest service." (See page 47.)

It is clear that the demands on Regents' time and energy are considerable, and the role calls for members with strong, healthy physical constitutions as well as keen, alert minds. Participating in university governance is no task for the infirm or senile. On the other hand, it requires too much experience and training in the complexities of governance and business affairs to be entrusted to too great a proportion of inexperienced youth. The University of Hawaii has been fortunate in that many of its

Regents fit into Hughes' recommendation that "there should certainly be a substantial number of members between 30 and 50." and that it is "desirable to keep the average age between 50 and 60."

ALTHOUGH SOME EARLY REGENTS SERVED LONG PERIODS, THE MEDIAN TERM OF SERVICE IS FOUR YEARS.

Many of the authorities on university governance recommended terms of six to nine years to provide for continuity and a core of experienced board members to help new appointees get adjusted to their role. The very short two and four year terms of U.H. Regents and the limitation to two terms or no more than eight years has resulted in a board which has a turn-over far greater than that deemed healthy, both by the authorities and by many former U.H. Regents. Several who responded to the questionnaire volunteered the opinion that they had hardly had time to learn their job before they were off the Board, even though there was no question which elicited such an opinion.

Of the 102 Regents whose terms were concluded prior to July 1982, sixteen served for one year or less, including Charles Franklin Eckart, one of the founding Regents, who served for four months in 1907, Morris Bissell four months (1909), Judge George Woodruff five months (1909-1910), and Arthur A. Wilder five months (1910). Fifty-one Regents, exactly half of those whose terms have expired, served for four years or less, eighteen serving two years, eleven for three, and seven for four.

At the other extreme of the range were some of the early Regents, Charles Hemenway's thirty years from 1910 to 1940 was the longest. Next was Mary Dillingham's twenty-three (1920-1943). Arthur G. Smith served from 1918 to 1938; Philip Spalding and Dr. Fred Lam both served from 1943 to 1961.

Since 1961, terms have been even more limited than before. Of the 42 Regents appointed between 1961 and completing their terms before July 1982, twenty served for three years or less. The longest terms in the past twenty years were three of nine years and two of eight. This rapid turn-over is in sharp contrast to the high degree of stability of the years before World War II. From 1922 to 1932, the five appointed Regents remained unchanged: Charles Hemenway, Charles B. Cooper, Arthur G. Smith, Mary Dillingham Frear, and Akaiko Akana.

There have been three major turn-overs in Board membership. In 1943, when the number of appointed Regents was raised from five to seven with two ex officio members, eight new Regents joined the Board, including President Gregg M. Sinclair, ex officio. The only carry-over was Superintendent of Public Instruction Oren E. Long, an ex officio member.

The Legislature in 1959 changed the law defining the membership of the Board. Of the total of eleven members, the new law specified that there be one Regent from each of the senatorial districts and three at large. Furthermore, no more than six could be of the same political party and at least five had to be former students of the University. Two were ex officio. (See page 53.) Governor William F. Quinn apparently found this law difficult to implement without offending some long-term Regents by not re-appointing them, and in February 1961, he announced he was going to replace the entire Board "because public confidence has been shaken in the present board." (HONOLULU STAR-BULLETIN, 2/21/61, 24:1.) The Board then included Lam and Spalding in their 18th years, Izumi in his 15th, Richard Penhallow in his 12th, J. Garner Anthony in his 9th, Hung Wai Ching in his 8th, Reynolds G. Burkland and Leslie A. Hicks in their 4th, and Roland Toyofuku in his 2nd. Spalding, who had chaired the

Board since 1943, called the Governor's action "unfortunate" and urged that "at least some of the board members should be retained in order to provide continuity in carrying out the university's policies." President Laurence H. Snyder commented, "It will make it very difficult to start with a new board. . . . I'm sorry some couldn't have been reappointed." Leslie Hicks said, "I am at a loss as to how public confidence can be shaken when there has been no public statement as to where or how we failed."

The new Board turned out to be one of the most diverse ethnically and politically of any in the history of the University. All were men. All but one was in his forties. Three were Caucasians, two part-Hawaiians, two Japanese, one Chinese, and one Korean. Four were identified as Republicans, two as Democrats, three as independents. Three were physicians, three were business men, one each a minister, a lawyer, and a rancher. Two served for six years, one for five, three for three, and three for two.

A third major turn-over occurred in 1974, when six Regents were appointed to the Board, leaving only one Regent with more than two years of experience. Two of the new Regents were graduate students with very little experience in activities related to university governance. It was at this time that the conflict between the Board and the faculty of the University developed, triggered by the Board's hiring of a football coach over the objection of the Chancellor of the Manoa Campus. The issue of the appropriate roles of the Board, the administrative officers, and the faculty in the governance of the University held up the appointment of a new president and created a split between the faculty and the Board that has not yet been healed. It bred a distrust of the faculty by the Regents and of the Regents and central administration by the faculty that has deepened to the detriment of the work of the University for nearly a decade. One of the involved Regents later told a small party of faculty leaders that the function of experienced Regents was to keep newer Regents from exceeding the effective limits of their legal authority and that there were not enough experienced Regents on the Board to exert that kind of leadership in the crisis.

With a Board of eleven members serving four-year terms, the anticipated turn-over should be three to four a year. If some of those are reappointed for a second term, that could provide the basis for a fairly high degree of continuity and stability. However, with some terms limited to two years, some appointments made to fill partial terms of less that two years, and some positions becoming vacant due to unanticipated resignations and deaths, a substantial majority of the Board may occasionally be first-year Regents, reducing the desired continuity and stability of the governing body of the University. Currently the Board has a high proportion of first and second year members, some of whom have been appointed for short terms, perpetuating the discontinuity and instability so threatening to the health of the institution.

Wallace Fujiyama (1974-1982) underscored that instability in a letter appended to his response to the questionnaire.

> I think that the eight-year limitation or the two-term limitation is crazy. What you should do is keep the best and get them approved from term to term. We now have the same situation coming up where most of the Board members do not know the history nor the players (i.e., who are the phonies who are all talk and no go.) I believe that you do not have a better and more stable relationship when people teach for 10-30 years and Board members stay on for only 2-8 years. No type of relationship can be developed that is worthwhile for the University under these circumstances. One-third of the Board should be permanent and two-thirds should be changed.

UNTIL 1943 ALL REGENTS WERE RESIDENTS OF OAHU

Act 24, which set up the Board, specified that all Regents be residents of the Territory, but in 1909, Federal Judge George W. Woodruff was named and confirmed as a Regent before he ever reached Hawaii. He served on the Board only five months.

In the 1911 re-chartering of the University, reference to Regents being resident of the Territory was omitted. All Regents appointed prior to 1943 were residents of Oahu, a necessity perhaps due to difficulties of inter-island travel.

In 1943, the Legislature specified that one Regent be a resident of the county of Hawaii, one of Maui, and one of Kauai. William P. Alexander (1943-1953) was the first Regent from Kauai, Marquis F. Calmes (1943-1945) from Maui, and J. Scott B. Pratt (1943-1949) from the Big Island. Since then, there has always been one Regent from Kauai, one from Maui, and at least one from Hawaii. Since 1961, there have been two Regents from the county of Hawaii, except for the period from 1972-1974, when Herbert M. Richards was the sole Big Island Regent.

If newspaper reports at the time of the 1961 mass turn-over of the Board are accurate, the difficulty of finding persons to meet the residential qualifications may have contributed to Governor Quinn's decision to replace the entire Board. If so, it may also have been a factor in the 1943 replacement of the entire appointed membership of the Board. The actual Constitutional and statutory requirement now is that the "membership of the board shall represent geographic subdivisions of the State." (See pages 98 and 99.)

With the University having campuses and other activities on each of the major islands of the State, it is important to have a Board which encompasses the entire State in its concern for the operation of the University.

However, a too literal interpretation of the "geographic balance" clause, a sort of "one person, one vote" structure to the Board, could result in some ineffectiveness. First, Board members may be tempted to think of themselves as representing a particular geographical constituency rather than as policy-makers for the total University. Second, with other constraints on membership, such as the political party limitation, it may be difficult at times to find the fully qualified persons needed for the work of a Regent. This is the same concern which must be kept in mind in regard to other characteristics of Board members, including age, ethnicity, and sex. The qualifications of the individual must be of the highest order, with a balance in regard to geographical subdivisions of the State, age, ethnicity, sex, and vocation as factors which should be considered in determining the qualifications of individuals.

SINCE 1940 A MAJORITY OF THE REGENTS HAVE BEEN HAWAII-BORN.

The birthplace of all but four of the 112 Regents has been determined. Of the first fifteen Regents, two and possibly a third were born in Hawaii. The first known to be born in Hawaii were C. Montague Cooke (1909-1914) and Arthur A. Wilder (1910). Of the 28 Regents appointed prior to 1940, only nine (possibly ten) were born in Hawaii, but of the 84 appointed since 1940, 49 (58%) were born in Hawaii, including Stuart Ho, who was actually born outside of Hawaii while his father worked in a Manila bank. Three Regents were foreign-born: Fred L. Waldron (1914-1917) was English; President David L. Crawford (1927-1941) was born in Mexico; President Gregg Sinclair (1943-1955) was Canadian.

MOST OF THE UH REGENTS ATTENDED COLLEGE.

Of the 112 Regents, at least 106 attended college. Absence of information results in leaving three Regents off the list of college-attenders. Only three are known not to have attended any post-secondary school. Almost all of those who did attend college received at least one degree. Thirteen earned Ph.D. or Ed.D. degrees. Thirteen more earned master's degrees. Twenty earned law degrees; nine received M.D. degrees and one a Doctor of Optometry. Three were graduates of theological seminaries. By comparson, in 1940 only 9.3% of the population of Hawaii had one or more years of college; 1950, 11.4%; 1960, 16.4%; 1970, 25.9%. (Department of Planning and Economic Development , THE STATE OF HAWAII DATA BOOK, 1974, p. 60.)

Of the 36 Regents appointed since 1965, only two have no college degree. The number of graduate and professional degrees earned is also high, especially when realizing that seven of those Regents were students. Among those 36 there are 3 Ph.D.'s, 3 M.D.'s, 1 O.D., 3 M.B.A.'s, 2 M.A.'s, 1 M.S., and seven law degrees. Only one never attended college.

As a comparison with the 36 Regents appointed since 1965, the Gomberg and Atelsek study (see page 49) reported that in 1979 over 12% of board members governing multi-campus universities had not attended college, compared with less than 3% for the UH Regents. That study reported that only 38% possessed a baccalaureate degree, compared with 94% for the UH Regents. Their study reported only 15% with a master's degree compared with the UH Regents' 25%; 7% with a Ph.D. or Ed.D. compared with the UH Regents' 8%; and 24% with a medical or law degree compared with 31% for the UH Regents. Indeed, compared with any of the studies reported in Chapter I, the UH Regents have been very highly educated and have an impressive number of degrees.

MANY REGENTS HAVE BEEN STUDENTS AT THE UNIVERSITY OF HAWAII.

The 1943 Legislature required that at least one member of the Regents be a graduate of the University, and in 1949 that was changed to "at least five of the members shall be former students of the University of Hawaii." (See page 93.) There is no requirement at present that any Regents be former students. (See page 98 and 99.)

Until the University had established itself and had some graduates who were able to demonstrate that they had the personal qualifications to serve as Regents, there of course could be no UH alumni on the Board, although Jennie Ashford was a "special student" at the College of Hawaii in 1910 and Akaiko Akana (1921-1933) was a graduate of the Honolulu Normal School, a fore-runner of the UH College of Education.

The first UH graduate to serve on the Board was Carl Farden (1933-1943), who earned a B.S. at the University. He and Herbert K. Keppler (1938-1943) were the only UH alumni to serve on the Board prior to World War II.

Of the 77 Regents appointed since 1943, at least 44 have been students or former students of the University of Hawaii. At least three attended the UH at Hilo. As Klein reasoned, former students "have a keen interest in the progress and development of the institutions" and thus their membership on the governing board is "undoubtedly advantageous." (See page 37.) However, a substantial representation of Regents who have had academic experience at other universities brings to the Board a breadth of experience that helps put the University in perspective. In addition to those Regents who never attended the UH as students, many of those who had one to four years at the UH went on to earn degrees at other universities. Regents serving on the Board as of July 1982 include at least four who have attended the UH as students, but among other institutions attended by current UH Regents are Stanford, Georgetown, Kansas, Harvard, Cleveland State, Chaminade, Michigan State, M.I.T., Cincinnati, Haverford. In short, the current Board not only has the "old school" tie, but it has a wide range of contact with other academic institutions.

STUDENTS HAVE SERVED ON THE BOARD SINCE 1971.

In 1971, the Legislature amended the law which dealt with membership of all State boards and commissions, providing that the terms of two Regents should be for two years. This was a compromise with the demand that students be appointed to the Board. Actually, there was at that time a Regent, Patsy Young, who was taking classes, but the first Regents to be appointed in their role as students were Sandra Ebesu (1974-1976) and Roger Evans (1974-1975). Both were graduate students. Other student Regents have been Scott Leithead (1975-1979), Bradley J. Mossman (1977-1979), Gerard Jervis (1979-1982), and Gregory Dela Cruz (1981--). Leithead, Jervis, and Dela Cruz were law students at the time of their appointment.

THERE ARE NO ACTIVE FACULTY MEMBERS ON THE UH BOARD.

Except for the presidents who served ex officio, there have been no active faculty members serving as Regent. Ex-President Arthur L. Dean was a Regent from 1932 to 1937. He had previously been on the Board ex officio from 1920 to 1927. Professor and Dean Emeritus Arthur Andrews was on the Board from 1941 to 1943; he had been long-time professor of English and Dean of the College of Arts and Sciences. Dean Emeritus Benjamin O. Wist was a Regent from 1949 to his death in 1951. Prior to its merger with the University, Dean Wist had been principal of the Territorial Normal School and became Dean of the Teachers College with the 1931 merger.

The practice of having the president serve as an ex officio Regent was ended in 1964, and not until 1982 was another toiler from the groves of academe appointed to the Board. Emeritus Professor of Physics Walter Steiger was also for a time Provost of Kauai Community College. Since his retirement from the University, he has been Director of the Planetarium of Bishop Museum.

All of those faculty members who have served on the Board have had administrative roles at some point in their career and thus have come to the Board with some knowledge of the issues of governance. Of all of them, however, only Steiger would be considered by modern faculty members as "truly" a faculty member and not an "administrative type." While such appointments can bring useful expertise to the deliberations of the Board, they are not seen by faculty as promoting faculty participation in the governance of the University. There are sharp differences of opinion about the propriety and effectiveness of having faculty on the governing board (see pages 33-37.) The appointment of Emeritus Professors is one compromise which has been suggested, and Professor Steiger is an example of that kind of appointment.

MORE REGENTS HAVE BEEN REPUBLICANS THAN DEMOCRATS.

Of those who expressed a political affiliation in responding to the survey or whose biographies reported active participation in a political party, thirty-one were Republicans and twenty Democrats. Five described themselves as "independent" and nine said they had no political affiliation. Thirteen of the Democrats and eight Republicans have been appointed during the Burns-Ariyoshi Democratic administration. At no time has there been an obvious violation of the statutory requirement that "no more than six of the members shall be members of the same political party."

A DISPROPORTIONATE NUMBER OF REGENTS HAVE BEEN PROTESTANT CHRISTIANS.

Of those who expressed a religious preference of whose church membership has been reported in their biographies, 38 are Protestant, 7 Roman Catholic, 2 Mormons, 3 Buddhist, and 1 Unitarian. Eight others reported they had no religious preference.

The earliest Regent identifiable as a Roman Catholic was Dr. Fred K. Lam (1943-1961), and the first Buddhist, Dr. Katsuyuki Izumi (1946-1961). It is probable that there were Catholics on the Board before Dr. Lam, but it is quite unlikely that there were any Buddhists prior to Dr. Izumi. By comparison, data on church membership show that Roman Catholics and Buddhists have greatly out-numbered Protestants throughout most of the century. For example in 1909, 18.8% and 18.2% of the total population were Catholic and Buddhist, respectively, while only 6.4% were Protestant. In 1954, the percentages were 38.3% Catholic, 11.9% Buddhist, and 6.3% Protestant. In 1976, it was 30.5% Catholic, 10.7% Buddhist, and 23.5% Protestant (see Table II).

TABLE II

PERCENT OF HAWAII POPULATION BY RELIGION

	1909	1954	1972	1976	1979
BUDDHIST	18.2	11.9	14.9	10.7	11.8
ROMAN CATHOLIC	18.8	38.3	27.0	30.5	31.1
PROTESTANT	6.4	6.3	10.2	23.5	34.2
MORMON	4.4	3.3	3.8	7.8	2.5
SHINTO	----	4.2	5.3	----	----

(Adapted from Department of Planning Economic Development, THE STATE OF HAWAII DATA BOOK, 1974, p. 28, Table 11; 1981, p. 46, Table 46.)

MOST OF THE REGENTS HAVE BEEN LAWYERS OR BUSINESSMEN.

Studies of governing boards throughout the century have reported a heavy concentration of business and professional men. (See pages 51-61.) In this respect, the U.H. Board has been little different from boards governing other public universities. The vocation at the the time of serving on the Board has been determined for all 112 Regents. Thirty-three Regents have been from the "business community," ranging from corporation executives to independent realtors. Twenty have been lawyers or judges. Nine have been physicians plus one optometrist. Five were engineers. Three ranchers. Three newspaper editors. Three clergymen. Four "housewives." Five students. The only ones who might be said to represent a "labor" point of view were two lawyers who were counsels for labor unions.

One significant difference between the UH Board and boards governing other universities is in the number of scientists and educators who have served on the Board.

The scientists include Eckart, Hosmer, Cooke, Farden, Gregory, Bond, Handy, Calmes, Toyofuku, Cushing, and Steiger. Perhaps it might be equally accurate, however, to count some of these among the "business community" category, since they were employed by the sugar and pineapple industry and were in executive and administrative roles. On the other hand, Hosmer was State Forester, and Cooke, Gregory, and Handy were on the Bishop Museum staff, as is Steiger now.

In addition to the five ex officio State Superintendents of Public Instruction and the seven Presidents who also served ex officio (see page 124.) there were at least seven others who were educators: Ashford, Black, Andrews, Calmes, Wist, Kaapana, Cushing, and Steiger. Andrews and Steiger were long-time faculty members at the University of Hawaii. Cushing was on the faculty of Cornell University for six years. Wist was public school teacher, principal of the Territorial Normal School and Dean of the Teachers College at U.H. Ashford, Black, Calmes, and Kaapana were school teachers at some point in their career. Kaapana (1957-1958), himself the only active secondary school teacher ever to serve on the Board, supported the criticisms of Hartnett and Rauh that too few educators served on governing boards. (See pages 56 and 57.) In responding to the questionnaire, Kaapana recommended:

> Appointments to the Board should include representatives from the teaching profession and higher education because they are much more familiar with many of the problems involved.

Undoubtedly lawyers and businessmen bring to the Board the expertise needed for effective management of the business and legal affairs of the University, and many of the outstanding leaders of the Board have been businessmen or lawyers--or both. On the other hand, if the Board is to reflect the needs of the entire community, there are some interests that have been very much under-represented. Some of this imbalance in regard to the "blue collar" segment of the population may be partially addressed through the advisory committees serving the vocational programs in the community colleges, but in spite of the strength of labor unions in Hawaii, the only Regent with a strong union affiliation was Edward H. Nakamura (1964-1971), who was a lawyer for the I.L.W.U. Fujiyama also served as legal counsel for the police union.

If there were to be a form of "affirmative action" approach to the recruitment of future Regents, vocation as well as sex, age, and ethnicity might well be a consideration. As will be noted later, however, personal characteristics may be more important in the overall qualifications than any of the general categories of vocation, age, sex, ethnicity, politics, or religion.

THERE ARE NO LONGER EX OFFICIO MEMBERS OF THE BOARD.

In 1919, the Legislature increased the number of Regents from five to seven by requiring that the president of the University and the President of the Board of Agriculture and Forestry be ex officio members. In 1935, the Legislature dropped the president of the Board of Agriculture and Forestry and substituted the State Superintendent of Public Instruction. Alatau L. C. Atkinson (1920-1925) was the first president of the Board of Agriculture and Forestry to serve ex officio as a Regent. He was succeeded by George Ii Brown (1925-1935). For a few months in 1932, Bruce Cartwright was acting as President of the Board of Agriculture and Forestry and filled that ex officio position during Brown's absence. The State Superintendents who served were Oren E. Long (1935-1946), Harold Loper (1946-1952), Clayton J. Chamberlin (1952-1957), Walton M. Gordon (1959-1962), and Burl Yarberry (1962-1964). Between 1957 and 1959, there was no provision for ex officio members, and the requirement was dropped again in 1964 and has not been re-instated. (See pages 75-76.)

University presidents who served ex officio were Arthur L. Dean (1920-1927), David L. Crawford (1927-1941), Gregg M. Sinclair (1943-1955), Paul S. Bachman (1955-1957), Willard Wilson (1957-1958), Laurence H. Snyder (1959-1962), and Thomas H. Hamilton (1963). The 1941 Legislature specified that the "president of the university shall act as the executive officer of the board, but shall not be appointed to or act as a member thereof." For the last two years of his term as President, Crawford is reported in Board minutes as a guest, not as a member. After Crawford was succeeded by Sinclair as President, the Legislature again specified that the President would be an ex officio member.

The Constitutional amendment approved by the electorate in 1964 eliminated the ex officio requirement and put the State of Hawaii in concurrence with the general opinion that opposes the practice of ex officio members of governing boards. (See pages 31 to 33.)

MANY REGENTS HAVE DISPLAYED A SCHOLARLY INTEREST IN OTHER ACTIVITIES.

The Regents' academic interest and commitment can be measured by their participation in organizations which have a scholarly or intellectual purpose. One such organization is the Social Science Association of Hawaii. Founded in 1882, it is a small group of men who meet nine evenings a year from October to June to deliver, hear, and discuss essays prepared by members. The high quality of the essays can be deduced from those printed in Porteus' selection celebrating the Association's 75th anniversary and in the recent centennial volume, which also lists over 900 essay titles and authors from 1882 to 1982. Originally only fourteen members, the number has been gradually increased to the present number of forty. Only when death or resignation creates a vacancy are new members elected. Made up of business and professional men, top military and naval officers, scientists and University scholars, it is largely unheralded because it does not advertise itself or become involved in controversies outside its discussions. At the time of election, most members have been in their forties or fifties, at their prime in social, economic, political, or academic leadership. Among those elected into membership were three of the 1907 Regents (with their dates of election in parentheses): Henry E. Cooper (1893), Alonzo Gartley (1907), and Ralph S. Hosmer (1905). Other Regents elected to the S. S. A. were C. Montague Cooke (1903), Charles R. Hemenway (1908), Arthur L. Dean (1916), Herbert E. Gregory (1920), Wallace R. Farrington (1925), David L. Crawford (19[illegible]7), Bruce Cartwright (1929), George M. Collins (1929), Arthur G. Smith (1929), Alva E. Steadman

(1930), Oren E. Long (1940) Philip E. Spalding (1941), Gregg M. Sinclair (1944), Paul S. Bachman (1944), J. Frank McLaughlin (1944), J. Garner Anthony (1948), J. Russell Cades (1948), Leslie A. Hicks (1954), Willard Wilson (1956), Laurence H. Snyder (1959), Herbert C. Cornuelle (1960), Thomas H. Hamilton (1963), Harold Eichelberger (1964), and Robert C. Cushing (1969). (Edel, pp. 238-241.) In addition, Walter Gifford Smith, one of the founding Regents and editor of the Honolulu Advertiser, gave a paper to the S. S. A. in 1902 and may have been a member of the Association. (Stanley D. Porteus, A CENTURY OF SOCIAL THINKING IN HAWAII, Palo Alto: Pacific Books, 1962, p. 163. See also Social Science Association of Honolulu, Hawaii, MEMBERS AND ESSAYS [no publisher], 1957, pp. 3, 4, 11.) Thus, of the 83 Regents named to the Board between 1907 and 1968, 26 and possibly 27 have also been elected to membership of the S. S. A. Even excepting ex officio Regents Dean, Crawford, Long, Sinclair, Bachman, Wilson, Snyder, and Hamilton, this still leaves a significant number whose appointment to the Board reflects not only their community leadership but also a sincere interest in scholarly discussion of intellectual and social issues.

A sampling of essay titles displays the range of interest of those members who also served as Regents. The dates of the essays are in parentheses. C. Montague Cooke was among the most prolific of the members, delivering ten essays, including "Mendelian Principles" (1907), "A Short History of Our Land Shells" (1911), "Honolulu's Flowering Trees" (1927), "Fourth Pacific Science Congress" (1929), and "Experiments in Dairying" (1941). A selection of titles by others includes: Hosmer, "The Progress of Civic Art in the United States" (1907) and "Some Notions on Education" (1913); Gartley, "Eugenics" (1912); Dean, "The Problem of the Diversification of Hawaiian Industries" (1915) and "Religion and a

Student of Science" (1917); Gregory, "History of Science in Japan" (1927); Farrington, "Some Thoughts on Statehood" (1929); Collins, "The Governor's Advisory Committee on Education" (1931) and "Revision of Hawaiian Land Laws" (1947); Cartwright, "Metal Money" (1931); Steadman, "Justice" (1931); Arthur G. Smith, "A Modern Gulliver and an Ancient Race" (1932) and "Archeology and the Deluge of Noah" (1936); Bachman, "Some Political Aspects of the Recovery Program" (1935), "United States Foreign Policy" (1946), "World Revolution: Marx to Stalin" (1951) and "Why Nations War" (1954); Long, "Education in the Trust Territory" (1948); Sinclair, "Henry James" (1946) and "The Humor of Aristophanes" (1953); McLaughlin, "Bail for Bolsheviks" (1950) and "New Nationality Notions" (1954); Anthony, "The Privilege Against Self-Incrimination" (1955) and "Religion and the Public Schools" (1959); Cades, "The Supreme Court Looks at Lady Chatterley" (1959), "Jurimetrics and General Semantics" (1963), and "The Power of the Courts to Protect Journalists' Confidential Sources of Information" (1974); Wilson, "The Theatre and the Church" (1957) and "Folk Ballads as Social and Historical Documents" (1961); Spalding, "The Past Fifty Years of the Sugar Industry" (1946) and "A President for the University of Hawaii" (1958, the time when a successor was being sought for the deceased Bachman); Snyder (the president appointed in 1959), "The University of Hawaii at the Crossroads, Literally" (1959) and "New Pathways in Human Genetics" (1963); Hamilton, "Education for Creativity" (1967); Cushing, "Sunlight to Sucrose" (1972) and "More Energy" (1976); Cornuelle, "Persepolis" (1978) and "Judicial Selection in Hawaii, A Personal View" (1981); and Eichelberger, "James Campbell, 1826-1900" (1976). (Edel, pp. 250-276.) Not only do the essays reveal something to the quality of men named as Regents, but for those who were Regents while they were also active members of the S. S. A., the essays and discussions undoubtedly serve to reinforce an awareness of the roles that a university plays. Not only were the members instructing each other in many subjects appropriate to university scholars, but they were also engaged in researching their topics and preparing scholarly papers, some of which were subsequently published. It is not surprising that these men, several of whom were Board leaders for long period (e.g., Hemenway thirty years, Arthur G. Smith twenty, Spalding eighteen, Gartley fourteen, Anthony nine, Hosmer and Cushing seven, among the non-ex officio Regents), understood the University and its faculty better than Regents whose adult lives embraced no such academic pursuits.

Although the Association has continued actively since 1968 and now (as has the Board of Regents in recent years) includes some non-Caucasian members, none of the more than thirty Regents appointed since 1968 have been members of the Social Science Association.

Many early Regents were known for other intellectual activities and interests. For example, The Annual Reports of the Hawaiian Historical Society included membership rosters up to 1969. Of the 83 Regents appointed prior to 1969, 38 were members of the H.H.S. Cartwright, Gregory, and Anthony served as president. Handy was a long-time officer. Cartwright, Frear, and Anthony had papers included in the published Annual Report. By way of contrast, the Ninetieth Annual Report, 1981-82, includes in its membership list no current Regents and only one, Gerard A. Jervis (1978-82), initially appointed after 1968.

Another indication of the academic interests of earlier Regents, in addition to the number who earned graduate and professional degrees, were the academic honors they won in college. Although this list may not be complete, at least five (Bond, Handy, Wilson, Snyder, and Cornuelle) were elected to Phi Beta Kappa.

These data do not mean that recent Regents lack intellectual or academic interests nor that they are incapable of such pursuits. It does suggest, however, that different criteria have been operating over the past fifteen years in the selection of nominees for the Board, and it may help to explain the growing gap in understanding and communication between Regents and faculty.

The demographic data of the UH BOR are compared with national patterns and some suggestions for future nominations of Regents are presented in Chapter I (See pages 9 and 10.)

CHAPTER V
UH REGENTS' PERCEPTION OF THEIR FUNCTIONS AS A BOARD

The questionnaire sent out to current and living ex-Regents asked two open-ended questions. First, Regents were asked to describe what they considered the major functions of the Board during their period of service. Next they were asked to state how a Board of Regents should function differently, if at all, from the one on which they served. The questions were asked in that fashion to determine if some Regents might have questioned the scope of functions undertaken by the Board during their period of service, i.e., they thought they failed to cover some areas they should have or that they got into areas of administration which they should not have. However, there was little indication of those kinds of doubts or reservations. For the most part, the two questions were answered substantially the same.

In answering the questions on what the role should be, Dr. Anna Chung (1975-1979) sagely observed,

> "In retrospect, one can comment on what could have been or what should be; however, from experience when working with people of diverse background, limited resources, and various constituencies it is not always that simple."

Chapter II (pages 63 to 71) summarizes other research studies of the varied responsibilities of boards governing public universities. Many of the functions reported by other studies were mentioned by the UH Regents who responded to the questionnaire. A dozen Regents also warned of the danger of crossing the thin line between making policy and becoming involved in its execution, a concern expressed by many students of university governance. (See pages 76 to 80.) The relationship of Board and University to the public and the government was a concern of several UH Regents. (See pages 72 to 76.) One Regent proposed that the Board be abolished, an issue raised in Chapter I. (See pages 20 to 22.)

ONLY ONE REGENT QUESTIONED THE NEED FOR A BOARD.

Although there was no question directed at the need for a Board, most of the responses tacitly accepted the Board as a given in governing a public university. Several pointed out the need for representing community needs to the University and for monitoring programs to assure accountability. One Regent, however, took quite a different stance. Stuart Ho (1971-1974), who has also been a member of the State Legislature, recommended the abolition of the Board as his response to the question of what should be the role of the Board.

> Particularly in a case such as ours where virtually all funding is derived from tax revenues, the role should be that of preventing the politicization of the campus. The Board is ill-suited for any other kind of mission. It does not control or influence the funding source and it cannot really control the faculty or administration since both spend most of their time anticipating or attempting to influence what the Governor and Legislature will do. My observation is that the Board is a body that is "put up with" both on campus and at the Capital. But even if the Board is an odd invention, it is not without some influence. At its best it can help to facilitate communication between the campus and the Capitol, if both sides are basically seeing eye-to-eye. At worst, the Board can be a divisive factor in the way that the campus and the community see the University.
>
> My own judgment is that the Boards (both the Board of Education and the Board of Regents) should be eliminated by Constitutional amendment. They take up space: they do

> not prevent the politicization of the campus; and the administration takes up an extraordinarily large amount of time catering to their whims.

Other observers of the impact on the University of the Legislature and the various executive departments of the State government have also questioned the need for a governing board, saying that the Legislature sets the policy, provides the funds, and, in its review of the budget requests, demands accountability. These observers express the opinion that, if the Legislature is going to perform most of the responsibilities of a governing board, the existence of two such policy making bodies is redundant and contributes to inefficiency.

This researcher draws the reverse conclusion. If the Constitutional provision that the Board should have the "exclusive jurisdiction over the internal organization and management of the university" were to be implemented in practice, both the Legislature and the University could operate more effectively, for there are many functions a governing board should undertake that a legislature or other governmental agency cannot do well. In other words, there is not only a need for the Board of Regents, but it is also crucial to give the Board the autonomy and independence from partisan political pressure and vested interests necessary for it to carry out its Constitutional mandate. The legislator, forced to look continually over his shoulder at the specter of re-election, does not have the luxury of independence from immediate public opinion and the insistent demands of those interest groups which finance election campaigns. Yet that independence is essential to the long-range planning of a university and to the protection of its instruction and research missions from those strident voices who wish to silence or squelch those who disagree with them. It takes a high degree of freedom from partisan political influence to choose a president who can and will lead the faculty in a disinterested pursuit of service to the entire public, future as well as present. That kind of freedom and independence can be expected of a non-partisan board of qualified members serving terms sufficiently long to isolate them from the pressures under which elected legislators must operate.

THE BOARD REVIEWS AND ESTABLISHES POLICIES BUT AVOIDS INVOLVEMENT IN DETAILS.

The role mentioned most often by the UH Regents responding to the questionnaire is that of policy maker, both in its actual functioning and as what it should do. Twenty-six Regents referred to that role in some manner. It is interesting that many who put policy formulation as a responsibility, then went on to warn of the dangers of becoming involved in administration. A State Superintendent of Public Instruction serving ex officio wrote, "The Board should develop broad policies and suggest directions for the University to go and then leave it to the administration and faculty to carry them out." Corporation executive and Board chairman Herbert Cornuelle (1961-1963) described the Board's role as "policy making rather than management and administration." Patsy Young, who resigned from the Regents to enter the Legislature, stated:

> The Board of Regents should be the policy making body of the University. It should set broad guidelines and goals and let the administration together with faculty members implement those goals.

Robert Cushing (1967-1974), after listing some specific policy issues of his era, recounted the Board attitude toward involvement in administrative details. He described the first function of the Board as

> Influencing policy on growth, campus enrollment, programs in which graduate degrees should be given, programs in which graduate degrees were no longer justified, etc.

In answering what the role of the Board should be, Cushing noted:

> With a few exceptions, the Board members during the time I served had a view that the Board should not concern itself with administrative details and should stick to policy.

Herbert M. Richards (1968-1976) used a metaphor. (It is hard to resist a pun about asking a rancher "What's a metaphor?")

> The BOR should concern itself with the broad policy and mission of the University system; while it does require knowledge of some of the detail as to how institutes, programs, majors, and courses fit, the final decision of how to put the puzzle together should be done by the administration.

Not only did several Regents write against the Board becoming involved in administration, but two also pointed up the role of others in the process of formulating policy. Robert L. Hind (1961-1968) wrote:

> The Board should act like a corporate Board of Directors. They should limit their activities to general policy decisions, developing them in close conference with the President. Academic decisions should be left to the Deans of the Colleges.

Harold Eichelberger (1968-1974), who was an Amfac executive, broadened the scope of participation even farther, saying the Board should "develop policy for the University system in consultation with the faculty, administration, and students."

Robert H. Hughes (1961-1966) added a note about the process.

> I have the firm conviction that the Board's role is to adopt policy generated by appropriate University elements in accord with University procedures.

Stanley Y. Mukai (1979-) wrote at length on the many responsibilities he sees the Board undertaking, ending with a very positive and optimistic view of the Regents' awareness of the importance of keeping separate the making of policy from the implementation of those policies.

> The University is a complex organization requiring active involvement by the governing board. Hopefully, Regent involvement will be in the areas of governance and policy formulation and not in administrative details. There is a fine line between governance and administration, and it is my belief that the Regents are fully cognizant of their role and responsibilities in the total scheme and organization of higher education.

Mukai's confidence was not shared by at least two recent ex-Regents. Scott Leithead (1975-1979) stated, "The Board I served on was always too concerned with details, particularly administrative and personnel details." Tim Farr (1981-1982) wrote:

> The Board occasionally gets involved in matters that are administrative in nature, and this should be avoided. In so doing, the Board loses its ability to focus on broad direction of the University and impact of policy on that direction.

A new Regent, Walter Steiger (1982-) expressed the same criticism in stating his perception on what the Board's role should be. After writing that the Board should set "broad policy for the University and recruit and employ an administrator to carry out that policy," he went on:

> Then the BOR should let the President carry on his work with as little interference as possible. It seems to me that in the past, at least, the BOR has concerned itself too much with details, especially personnel actions. This is not only extremely time consuming and unproductive but tends to obscure the big picture which the Regents should always keep in the forefront of their vision.

Three earlier Regents charged that the Board, in recent years, has been too much involved with administrative detail and personnel matters.

Ambrose Rosehill (1975-) implied a difference between actual and ideal roles.

> The best interest of the University would be better served if the Board displayed greater "Boardmanship" in its governance role. This goal would strengthen the Board, Administration, Faculty, and student needs immeasurably.

That "fine line" is hard to define, and perceptions differ as to where it lies.

THE BOARD HIRES AND FIRES THE PRESIDENT.

The second most frequently mentioned function of the Board is the selection, evaluation, and, if necessary, removal of the President and the other top administrators. This role ranked particularly high in the lists of those who had been Regents at the time of termination or selection of a President. Cornuelle pointed out that to be able to "evaluate the leadership of the University" the Board had to "establish goals, evaluate performance against goals, etc."

Robert Hughes noted that changing the President resulted in changing "most of the administration" as a consequence.

Two Regents in telephone conversations remarked that demanding the resignation of a President is a much more difficult and unwelcome task but even more important than selecting a new chief executive.

THE BOARD IS RESPONSIBLE FOR LONG RANGE PLANNING AND MAJOR SHIFTS IN THE UNIVERSITY'S MISSION.

Four Regents wrote that long-range planning was a major responsibility of the Board, and ten more told of Board involvement with major changes in the mission of the University, such as the development of the East-West Center, establishment of the Law and Medical Schools, creation of the community colleges, up-grading of the athletic program, and the development of research institutes.

One of the difficulties with long range planning and trying to direct the University into new directions is the inevitable conflict this involves with vested interests of academic departments. Wallace Fujiyama (1974-1982) summarized his position and reflected on how it was misunderstood by the faculty.

> The major tasks or functions of the Board during my period of service were as follows:

> To get the administration and faculty to change their views from what they have been doing for years to one that will meet the needs of the community today. No longer can a University be run solely by academicians. Professional administration is going to be the thing of the future together with support from the faculty regarding certain areas such as curriculum, etc. There are many subsections of important points such as accountability, workload, post-tenure review and the like. Most of the faculty feel that this was a threat to their positions but there is really no threat at all if you wish to have excellence in the University.
>
> The other important task was to readjust the goals of the University to keep pace with the country and the world at large and with the ever-changing needs of society. There are areas of special emphasis to Hawaii and also areas of emphasis to the country and the world. However, it was hard to get this point across just as it was difficult to get the point across regarding accountability.

In trying to make such major changes in University direction, one critical need is improved communication between Regents and the community on the one hand and administration and faculty on the other. In an era of distrust, changes are very threatening.

REGENTS HAVE FISCAL RESPONSIBILITY.

Four Regents commented that the Board reviewed and passed on the University budget prior to its submission to the Legislature, and four more noted that they reviewed and approved contracts involving buildings and grounds. John Hoag (1974-1977) argued for greater control of budget by the Board.

> The BOR should have control of an overall budget allocation from the Legislature, to approve in consultation with the administration, rather than having the direct budget control on line items done by the Legislature.

Closely related to budget is securing the funds, both from the Legislature and from other sources. George McPherson (1963-1968) commented that one of the major tasks during his service on the Board was "lobbying at the Legislature for the budget." Fujiyama wrote that next to the setting of goals and directions for the University, the most important function of the Board "is to make sure that the University was funded to the best of the community's ability which, of course, my detractors in the faculty never understood." In noting the Board's success at this effort, he pointed out that the University "got 26% of the total supplemental budget" passed by the Legislature in 1982.

Much of the success in the University maintaining as favorable support as it has in recent Legislative sessions is due to the efforts of Regents Wallace Fujiyama, Ruth Oshiro (1974-1981), and others. Oshiro described the efforts of the Board in its attempt to ensure adequate funding.

> Legislative cutbacks forced the Board to make its role as "buffer" a more active and visible one, especially at the Legislature. As a chairperson of the Board, I had to do a lot of convincing to some of my colleagues as well as the president and administrators. The Ad-Hoc Committee on Legislation was set up, and this committee acted as a "conduit" and what used to be a rare sight of regents at the legislature became a expected and normal experience.

One of the most important functions of the trustees of private colleges is raising funds from the business community and from other givers. With the reduction of governmental funds, public institutions are also having to turn more toward private philanthropy, and that is becoming one of the most important tasks of the Regents. Fujiyama, who has been an active trustee of the University of Hawaii Foundation, the University's fund-raising agency, noted that times of fiscal constraints call for increased efforts to seek new sources of funding and to assure that the available funds are expended in the most advantageous manner.

> The circumstances and the times require that the Board not spend most of its time in the traditional role but in a more active role in meeting the needs of the community, the country and the world. For instance, the management of the University when there is a lot of money should be different from those in these times. These times the Board members should try to get as much State funding as possible and also funding from the community, which has risen from $30,000 to $3,000,000 annually.

While Fujiyama and Oshiro referred to recent fiscal constraints, the need for on-going programs of public relations was apparent to an earlier Regent, Lloyd Kaapana (1957-1958) who wrote that the Board should promote "a favorable environment to develop public, business, private, and legislative support (both political and financial)."

REGENTS MUST SEEK ACCOUNTABILITY OF FUNDS.

One of the fiscal responsibilities is that of monitoring expenses to make certain that funds are not squandered. When a University budget reaches into the hundreds of millions of dollars annually, legislators and members of the general public become concerned about how those funds are being used. The average lay person does not understand the missions of a university, particularly the education of graduate students and the basic research which goes on in a great university. It is hard to understand why some professors have a different teaching load from others or why a research grant for some esoteric project is worth public funds. There must be some body representing the public which can be the agency responsible for seeing that the funds are well spent on the one hand and, on the other hand, that such activities as graduate education and research continue. That is one of the most difficult roles of the Board and one most fraught with misunderstandings. In exercising this function, the Board is likely to receive criticism and endure the barbs from both the faculty and the public.

This burden becomes particularly crucial when funding becomes constrained, as Fujiyama pointed out in the quotations just above. But it is a burden which the Board must accept. Mukai described it as "assuring the community of prudent and efficient use of their tax dollars," and Kenneth Kato (1982-) wrote:

> The Board is also entrusted by the general public to see that the State gets its "money's worth" for the tax dollars it spends. The Board, in this role, should insist that the University be responsible and accountable to the citizens who provide the necessary funds to carry out the University's mission goals and activities.

One aspect of determining that the public gets its "money's worth" is allocating funds in a multi-campus university. Although many decisions may be properly left up to administrators and faculty, there are times when the governing board must make hard decisions. Among those hard decisions occasioned by "limited funds," Roger Evans (1974-1975) pointed out, are determining "which programs should be expanded, remain the same, or die."

This delicate responsibility requires a deeper understanding of the missions of a university than is generally acquired by other governmental agencies, including legislatures, and also requires continued in-depth observation of the university's on-going activities. It is for these reasons that the matter of accountability can be fostered better by a board directly responsible for the institution than by expecting some other governmental agency to determine whether funds have been spent most expeditiously.

REGENTS MUST MONITOR PROGRAMS.

Part of the effort to assure accountability is review of the programs conducted by the University in terms of their results. Five UH Regents said that one of the functions of the Board should be to "monitor, either generally or specifically, the program results of the University."

One principle of academic development at the University of Hawaii was the concept of "selective excellence." Since it was not feasible for every program at the University to be funded at a level which would achieve the highest standards desirable, some fields were to be selected for special consideration. The criteria for the selection were described in two Academic Development Plans. Several Regents referred to the Academic Development Plans and the areas of selected excellence as guidelines for monitoring the University's programs. Clarence Chang (1965-1974) wrote that one responsibility of his Board was to "develop and oversee an academic development plan being effectively carried out by the University." John Farias (1968-1972) reported that one function of the Board was to "work with the president in achieving his selected excellence program." That was not an easy task, as noted by Herbert M. Richards, who used these words to describe the situation:

> To guide, through its administrative officer, the system, because of and in spite of, student and public unrest, toward its goal of excellence.

REGENTS APPROVE THE CREATION OF NEW DEPARTMENTS.

Somewhat surprising is the fact that only one Regent mentioned that the Regents are responsible for approving new departments, and even he did not stress the approval. Carl Farden (1933-1943) included as one function of the Board during his term the "discussion" of the President's recommendations on new departments. Perhaps this responsibility was subsumed under other functions in the minds of other Regents.

REGENTS GIVE FORMAL APPROVAL ON PERSONNEL ACTIONS.

Although the Regents clearly do have the final authority on all personnel matters, they shied away from stressing that role. Farden reported that the Board "discussed" the President's recommendations on major faculty appointments, their salaries, and exchanges. John Hoag limited the Board's active participation to the "consideration of major appointments as recommended by the administration." Richards advised that the Board should delegate "many of the personnel matters."

In so far as personnel are essential to program, however, Regents must give some attention to personnel matters, particularly to personnel policies. Policies governing appointment, tenure, leaves, and post-tenure review are closely related to the Regent's concern for accountability and excellence, and that was reflected in the comments of several of the Regents.

REGENTS AWARD DEGREES.

Only one Regent took note of the fact that degrees are actually awarded by the Board. Farden wrote that the Board approved the President's recommendation on commencement speakers and honorary degrees as well as "implicitly" approving the recommendations of the faculty and the President on degrees awarded to students.

THE BOARD IS THE BRIDGE BETWEEN THE PUBLIC AND THE UNIVERSITY.

Several Regents pointed to their responsibility of representing the community. The most explicit, perhaps extreme, statement of the role was made by Burl Yarberry (1962-1964), ex officio Regent while he was State Superindendent of Education:

> Each member seemed to have had a constitutency in some sense--geographically, organizationally, culturally--to represent to the Board concerns of the respective constituencies.

Most of the comments, however, wrote of the Board as representing the public at large, without reference to a specific constituency. George McPherson added a positive role to representation: "Reflecting, and possibly leading, community interest in the school."

The reverse responsibility was noted by more Regents, including the need to serve as a "buffer." Nine used the word "buffer" in describing the need to interpret the University to the community. Cornuelle wrote that one of the major tasks was to "establish the independence of the University--preserve and regain the initiative of the University," and that the Board should "establish a climate within which the administration and faculty can run the U. (serve as a buffer.)" Arthur D. Lewis (1961-1964), President of Hawaiian Airlines during his term on the Board, wrote a long letter about the role of the Board.

> I think that the board should:
>
> 1) Strongly support the school in the community and work to improve its political posture with the state government upon which it relies for its support.
>
> 2) Act as a buffer between the school and elements in the community which would attempt to circumscribe or limit its freedom to become the intellectual leader it should be.

Richard Penhallow (1949-1961) was explicit in noting the area that might call for the role of "buffer:" "absorption of and reaction to political and popular pressure." Robert Cushing reported that one of the tasks of the Board was "Coping with the various elements in the community who thought they should 'run' the University." George McPherson put it more bluntly: "Fending off the

Mickey Mousers--Lions, Kiwanis, Rotarians, etc." Harold Eichelberger included both sides of the coin in a single statement:

> Aid and assist in better understanding between "public" and "university" sectors, shielding the university system from special interest group pressures by giving them an opportunity to be heard.

Those who remember the issues before the Board during the late 1960's when Cushing, McPherson, and Eichelberger were Regents will realize that their comments are the result of experience, not text-book theorizing.

The need to be a "buffer" may be most apparent in times of crisis, but the responsibility of communicating the University to the public is an on-going one. Oshiro wrote, "The Board should continue its strong advocacy in behalf of the university not only at the legislature during its sessions but throughout the State."

THE BOARD SHOULD DEVELOP GOOD RELATIONS WITH THE FACULTY.

The need for rebuilding community support depends on re-building a sense of "community" within the University. Oshiro pointed out that this calls for "better communication within the university community."

> There is much that we hold in common and the need to share effectively is still lacking. The Board and the President should continue to work with the faculty to lessen the adversary climate, and the combined energies of all parties should focus on planning for a better institution.

Kiyoshi Sasaki (1972-1981) commented that, as chairman of the Board, he hoped to "build a 'highway system' between the faculty and the Board so there would be good communication between Board, faculty, and administration," but he was disappointed that little progress was made toward effective communication within the University community during his terms on the Board.

Steiger also proposed healing the gap between faculty and Board as a crucial issue.

> As I see it, the major task facing the BOR in the coming year is to regain the confidence and respect of the faculty in particular and the community in general. This calls for a better understanding of the University by the members of the BOR and an appreciation of the faculty and its many fine achievements. The BOR should support and stand up for the faculty when addressing the community.

AT TIMES THE BOARD MUST DEAL DIRECTLY WITH STUDENTS AND FACULTY.

In its 1973 report on GOVERNANCE OF HIGHER EDUCATION, the Carnegie Commission listed six functions that the "board, at its best, serves." One was as "the final arbiter of internal disputes involving the administration, the faculty, and the students." Regents who served in the period of the late 1960s and early 1970s took particular note of that responsibility. Hind included as one of the Board's functions that of "Dealing with the rebellious students and faculty of the sixties," and Eichelberger described the role as trying to "keep a semblance of order during the period of student activism." Under such circumstances, the Board may find itself directly involved in making administrative decisions, particularly if top administrative offices are undergoing a change in personnel or if there is otherwise a leadership vacuum. While writing that the Board *should* keep out of administration. Chang explained an exception to that principle. Under the circumstances the Board was in during his term of 1965-1972 "with the change in University leadership," it was "necessary" for the Board "to 'administer.'"

COLLECTIVE BARGAINING CREATED NEW RESPONSIBILITIES FOR THE REGENTS.

With the advent of collective bargaining, particularly of the faculty, the Board had not only a new function but a new relationship with the faculty. Although the actual negotiations are conducted by a management team on which there are only two Regents, the Board must deal with policies growing out of the new relations between unions and the "management" of the University. Unionization has also added to the adversarial climate affecting University governance. Eichelberger described the problem as a policy role.

> Develop and adopt policies and organizations to handle the unionization of the faculty and staff for collective bargaining under the new public employees bargaining law.

Cushing put it in more general terms: "Helping the institution adjust to collective bargaining for faculty members."

One revealing comment on the change in relationship between faculty and administration came from one of the earlier Regents. Reynolds G. Burkland (1957-1960) wrote, "We were fortunate in that we were dealing with people who acted as professionals, not as union laborers." If governance is to be a shared responsibility involving Regents, administrators, and faculty, the conflict implied by Burkland's comment must be dealt with openly, and communication and understanding between faculty and Regents must be greatly improved.

REGENTS MUST UNDERSTAND THEIR APPROPRIATE ROLE.

Because of the rapid turn-over of Board membership with the present short terms, there will be times when a majority of the Board has little experience in the governance of a university. This calls for some program of orientation of new Regents to their duties. In Herbert Cornuelle's list of "major" (which he underlined) tasks of the Board during his period of service, the top item was "Form a concept of the role of the Regents." Recall that he chaired the Board in 1961 when all nine appointed Regents were new to the Board.

One purpose in conducting this study is to provide a document which might assist in that orientation. It is a vehicle by which some of the accumulated wisdom of past Regents can be handed down to present and future members of the Board.

Each Regent who responded to the questionnaire was sent a thank-you note. Several wrote again or telephoned to express their continued interest in the University. As one put it on the phone, "We gave a great deal of ourselves to the University, and even though it was many years ago, we never have lost our concern for its well-being." A life-long involvement with the institution, although only indirectly, may be the source of satisfaction gained for undertaking what is often a thankless responsibility.

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Chapter III:

The basic sources for this chapter were the various versions of the Hawaii Revised Statutes and the Session Laws of the Legislature. The Cowley reference is included with those for Chapter II.

Chapter IV:

Much of the data on Regents came from newspaper microfilm files, materials in the State and University Archives, editions of Thrum's Annual, Annual Reports of the Governor of the Territory of Hawaii to the Secretary of the Interior, U. H. Catalogs, Ka Palapala yearbooks, and questionnaires filled in by Regents themselves.

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Chapter V:

The sources for Chapter V were the questionnaires filled in by the Regents.

APPENDIX A--ROSTER OF REGENTS

D = Deceased
** = Responded to Questionnaire*
§ = Regent as of Dec. 31, 1982
A = President of the Board of Agriculture and Forestry
S = Superintendent of Public Instruction (Education)
P = President of the University

YEAR SERVED	SYMBOL	NAME	GOVERNOR APPOINTED BY
1907-14	D	HENRY E. COOPER	GEORGE A. CARTER
1907	D	CHARLES FRANKLIN ECKART	GEORGE A. CARTER
1907-09	D	MARSTON CAMPBELL	GEORGE A. CARTER
1907-09	D	WALTER GIFFORD SMITH	GEORGE A. CARTER
1907-21	D	ALONZO GARTLEY	GEORGE A. CARTER
1907-14	D	RALPH HOSMER	GEORGE A. CARTER
1909	D	MORRIS BISSELL	WALTER F. FREAR
1909	D	GEORGE W. WOODRUFF	WALTER F. FREAR
1909-14	D	C. MONTAGUE COOKE	WALTER F. FREAR
1910	D	ARTHUR ASHFORD WILDER	WALTER F. FREAR
1910-40	D	CHARLES REED HEMENWAY	WALTER F. FREAR
1914-20	D	WALLACE RIDER FARRINGTON	LUCIUS PINKHAM
1914-20	D	JENNIE ROBERTSON (MRS. CLARENCE F.) ASHFORD	LUCIUS PINKHAM
1914-17	D	FRED L. WALDRON	LUCIUS PINKHAM
1918-38	D	ARTHUR G. SMITH	CHARLES J. MCCARTHY
1920-22	D	RICHARD HENDERSON TRENT	CHARLES J. MCCARTHY
1920-43	D	MARY DILLINGHAM (MRS. WALTER F.) FREAR	CHARLES J. MCCARTHY
1920-25	D	ALATAU L. C. ATKINSON	EX OFFICIO (A)
1920-27	D	ARTHUR LYMAN DEAN	EX OFFICIO (P)
1921-33	D	AKAIKO AKANA	CHARLES J. MCCARTHY
1922-32	D	CHARLES BRYANT COOPER	WALLACE R. FARRINGTON
1925-35	D	GEORGE I1 BROWN	EX OFFICIO (A)
1932	D	BRUCE CARTWRIGHT	EX OFFICIO (A)
1927-41	D	DAVID LIVINGSTON CRAWFORD	EX OFFICIO (P)
1932-37	D	ARTHUR LYMAN DEAN	LAWRENCE M. JUDD
1933-43	*	CARL ALEXANDER FARDEN	LAWRENCE M. JUDD
1935-46	D	OREN E. LONG	EX OFFICIO (S)

YEAR SERVED	SYMBOL	NAME	GOVERNOR APPOINTED BY
1937-43	D	HERBERT ERNEST GREGORY	JOSEPH B. POINDEXTER
1938-43	D	HERBERT KEALOHA KEPPLER	JOSEPH B. POINDEXTER
1940	D	GEORGE MILES COLLINS	JOSEPH B. POINDEXTER
1940-41	D	ALVA EDGAR STEADMAN	JOSEPH B. POINDEXTER
1940-43	D	SAMUEL N. CASTLE	JOSEPH B. POINDEXTER
1941-43	*	J. RUSSELL CADES	JOSEPH B. POINDEXTER
1941-43	D	RUTH EMENS (MRS. E. E.) BLACK	JOSEPH B. POINDEXTER
1941-43	D	ARTHUR L. ANDREWS	JOSEPH B. POINDEXTER
1942-43	D	JAMES DOUGLASS BOND	JOSEPH B. POINDEXTER
1943-55	D	GREGG M. SINCLAIR	EX OFFICIO (P)
1943-61	D	PHILIP E. SPALDING	INGRAM M. STAINBACK
1943-53	D	J. FRANK MCLAUGHLIN	INGRAM M. STAINBACK
1943-48	D	WILLOWDEAN CHATTERSON HANDY	INGRAM M. STAINBACK
1943-53		WILLIAM PATTERSON ALEXANDER	INGRAM M. STAINBACK
1943-45	D	MARQUIS FIELDING CALMES	INGRAM M. STAINBACK
1943-61	D	FRED KWAI LAM	INGRAM M. STAINBACK
1943-49	*	JOHN SCOTT BOYD PRATT	INGRAM M. STAINBACK
1945-46	(stroke victim)	E. P. LYDGATE	INGRAM M. STAINBACK
1946-61	*	KATSUYUKI IZUMI	INGRAM M. STAINBACK
1946-51	D	W. HAROLD LOPER	EX OFFICIO (S)
1949-51	D	BENJAMIN OTHELLO WIST	INGRAM M. STAINBACK
1949-61	*	RICHARD PENHALLOW	INGRAM M. STAINBACK
1952-61	*D	J. GARNER ANTHONY	OREN E. LONG
1952-57	D	CLAYTON J. CHAMBERLIN	EX OFFICIO (S)
1953-61	*	HUNG WAI CHING	SAMUEL W. KING
1953-58	*	JACK H. MIZUHA	SAMUEL W. KING
1953-57	D	PAUL S. BACHMAN	EX OFFICIO (P)
1957-58	D	WILLARD WILSON	EX OFFICIO (P)
1957-61	*	REYNOLDS G. BURKLAND	SAMUEL W. KING
1957-61		LESLIE ASA HICKS	SAMUEL W. KING
1957-58	*	LLOYD C. KAAPANA	SAMUEL W. KING
1959-61	*	RONALD TOYOFUKU	WILLIAM F. QUINN
1959-62	*	WALTON M. GORDON	EX OFFICIO (S)
1959-62	*	LAURENCE H. SNYDER	EX OFFICIO (P)
1961-63	*	ABRAHAM K. AKAKA	WILLIAM F. QUINN
1961-63	*	HERBERT C. CORNUELLE	WILLIAM F. QUINN

YEAR SERVED	SYMBOL	NAME	GOVERNOR APPOINTED BY
1961-68	*	ROBERT L. HIND, JR.	WILLIAM F. QUINN
1961-66	*	ROBERT H. HUGHES	WILLIAM F. QUINN
1961-64	*	ARTHUR D. LEWIS	WILLIAM F. QUINN
1961-68	*	PETE TATSUO OKUMOTO	WILLIAM F. QUINN
1961-64	*	LUP QUON PANG	WILLIAM F. QUINN
1961-64		MORRIS SHINSATO	WILLIAM F. QUINN
1961-63		RICHARD W. YOU	WILLIAM F. QUINN
1962	*	R. BURL YARBERRY	EX OFFICIO (S)
1963	D	THOMAS HALE HAMILTON	EX OFFICIO (P)
1963-68	*	GEORGE H. MCPHERSON	JOHN A. BURNS
1963-67	D	CORNELIUS CLAY CADAGAN	JOHN A. BURNS
1963-70		CHARLES A. KEKUMANU	JOHN A. BURNS
1964-71	*	EDWARD H. NAKAMURA	JOHN A. BURNS
1964-68	D	CHARLES A. HARKER	JOHN A. BURNS
1965-74	*	CLARENCE FONG CHANG	JOHN A. BURNS
1966-74		CHARLES S. OTA	JOHN A. BURNS
1967-74	*	ROBERT L. CUSHING	JOHN A. BURNS
1968-74	*	HAROLD C. EICHELBERGER	JOHN A. BURNS
1968-71	*	PATRICK M. COCKETT	JOHN A. BURNS
1968-72	*	JOHN FARIAS, JR.	JOHN A. BURNS
1968-76	*	HERBERT MONTE RICHARDS	JOHN A. BURNS
1971-74	*	STUART T. K. HO	JOHN A. BURNS
1971-74		BRIAN L. SAKAMAKI	JOHN A. BURNS
1971	*	PATSY K. MIYAHIRA (MRS. FRANCIS) YOUNG	JOHN A. BURNS
1972-81	*	KIYOSHI SASAKI	JOHN A. BURNS
1972-81	*	HARRIET (MRS. NORMAN) MIZUGUCHI	JOHN A. BURNS
1974-76		SANDRA EBESU	GEORGE R. ARIYOSHI
1974-75	*	ROGER C. EVANS	GEORGE R. ARIYOSHI
1974-82	*	WALLACE S. FUJIYAMA	GEORGE R. ARIYOSHI
1974-77	*	JOHN A. HOAG	GEORGE R. ARIYOSHI
1974-81	*	RUTH (MRS. ROBERT) OSHIRO	GEORGE R. ARIYOSHI
1974-82		TOM T. SHIBANO	GEORGE R. ARIYOSHI
1975-79	*	ANNA CHUNG	GEORGE R. ARIYOSHI
1975-	*§	AMBROSE ROSEHILL	GEORGE R. ARIYOSHI
1975-79	*	SCOTT LEITHEAD	GEORGE R. ARIYOSHI
1976-81		CARL A. CARLSON, JR.	GEORGE R. ARIYOSHI

YEAR SERVED	SYMBOL	NAME	GOVERNOR APPOINTED BY
1977-78	D	ALBERT MARIANO FELIX	GEORGE R. ARIYOSHI
1977-79	*	BRADLEY J. MOSSMAN	GEORGE R. ARIYOSHI
1979-81		MICHAEL MORIARTY	GEORGE R. ARIYOSHI
1979-	*§	STANLEY MUKAI	GEORGE R. ARIYOSHI
1979-	§*	ROBERT FUJIMOTO	GEORGE R. ARIYOSHI
1978-82		GERARD A. JERVIS	GEORGE R. ARIYOSHI
1981-82	*	TIMOTHY SCOTT FARR	GEORGE R. ARIYOSHI
1981-	§	STEPHEN BESS	GEORGE R. ARIYOSHI
1981-	§	JULIA FROHLICH	GEORGE R. ARIYOSHI
1981-	§	GREGORY DELA CRUZ	GEORGE R. ARIYOSHI
1981-	§	BERT TSUCHIYA	GEORGE R. ARIYOSHI
1982-	*§	JAMES F. GARY	GEORGE R. ARIYOSHI
1982-	*§	KENNETH KATO	GEORGE R. ARIYOSHI
1982	*§	WALTER STEIGER	GEORGE R. ARIYOSHI